

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26726 of 2026

Arising Out of PS. Case No.-250 Year-2024 Thana- BHAGWANPUR District- Vaishali

Rajesh Kumar S/o Jitendra Singh R/o Village- Karmopur, Naya Tola, P.S-
Bidupur, Dist- Vaishali, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandramauli Kumar, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-04-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 250 of 2024 registered for the offences punishable under Sections 317(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 25(1-b)a, 26, 35 of the Arms Act.

3. As per FIR, the petitioner was standing beside the road, near parked motorcycle, along with other named co-accused and was planning to commit crime upon receiving information, police arrived and apprehended one of the co-accused namely, Rahul Paswan, who disclosed the name of this petitioner.

4. Learned counsel appearing on behalf of the petitioner



submitted that petitioner was not present with apprehended co-accused beside motorcycle but his name was given out of neighbourhood dispute and differences and also due to suspicion arising out of his criminal antecedent, as he found involved in 13 cases, where in all cases he is on bail, except one Bhagwanpur P.S. Case No. 67/2024.

5. It is submitted that except suspicion arising out of disclosure nothing incriminating available against this petitioner as even the stolen property i.e. motorcycle has already been recovered from the possession of the apprehended co-accused persons along with fire-arm. It is submitted that on all material aspects, the investigation of this case is completed and no useful purpose would be served by sending this petitioner behind the bar.

6. It is pointed out that if the merit of this case is otherwise convincing in favour of this petitioner, merely on the basis of his criminal antecedents, prayer of anticipatory bail should not be denied. Learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

7. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

8. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* save and except suspicion arising out of disclosure of apprehended co-accused person, nothing incriminating appears against the petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Bhagwanpur P.S. Case No. 250 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) with further condition:

(i) That petitioner shall not indulge in similar nature of case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in investigation and also in the trial failing which, the State may



move for cancellation of bail of petitioner before
learned trial court itself.

(Chandra Shekhar Jha, J.)

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