

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27904 of 2026**

Arising Out of PS. Case No.-387 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Amar Ray @ Amar Rai @ Amar Kumar Rai Son of Jai Prakash Rai R/O  
Village- Gopalpur, P.S.- Gopalpur, Dist Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      15-07-2026                      Heard Mr. Sumit Shekhar Pandey, the learned Advocate for the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Kuchaikote P.S. Case No. 387 of 2025, registered for the offenses punishable under Sections 25(1-B)a/26/35 of the Arms Act.

3. In course of patrolling, the police found that three persons coming on a motorcycle with a bag, however, when the police tried to intercept them, they left the motorcycle and succeeded in fleeing away. In course of search, the police recovered a bag which was kept on a motorcycle from where one country-made pistol and five live cartridges were also recovered.

4. Learned Advocate appearing on behalf of the



petitioner submitted that save and except the confessional statement by one of the co-accused persons who was apprehended by the police, there is no material suggesting the complicity of the petitioner in crime. Moreover, the confessional statement before the police is not admissible in the eyes of law. Taking note of the aforesaid fact, co-accused namely, Nikhil Ray @ Nikhil Rai @ Nikhil Kumar Rai, who is also facing identical allegation has been allowed the privilege of anticipatory bail by the learned Coordinate Bench of this Court in Criminal Miscellaneous No. 16398 of 2026 vide order dated 25.03.2026, the copy of which is placed on record as Annexure 2 of the bail application. It is lastly contended that be that as it may no incriminating material has been recovered from the conscious and constructive possession of the petitioner.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner bears one criminal antecedent and his name has been disclosed by apprehended person as one of the accomplice.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the petitioner stands on similar footing to that of co-accused, who has been allowed anticipatory bail, besides no incriminating material



has been recovered from the whereabouts of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Dist. & Sessions Judge-I, District - Gopalganj, Bihar in connection with Kuchaikote P.S. Case No. 387 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

siddharth/-

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