

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31691 of 2026

Arising Out of PS. Case No.-249 Year-2017 Thana- KHUSRUPUR District- Patna

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Dhananjay Kumar @ Pore Thathera Son of Late Surendra Prasad @ Surendra Prasad Thathera Resident of Village - Chak Husain, Police Station - Khusrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-05-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 37(c) of the Bihar Prohibition and Excise Act, 2016, Sections 399 and 402 of the Indian Penal Code as well as Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and allegation is of recovery of one country made pistol from possession of Upendra Yadav, one cartridge from possession of Kapil Yadav and one cartridge along with motorcycle from possession of Sanjit Kumar @ Pintu.

4. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and is not named in the



FIR and came to be implicated based on the confessional statement of Balmiki Prasad in police custody which does not have any evidentiary value in the eye of law.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has antecedent of two cases of serious nature, though he is not named in the FIR but his name transpired in the confessional statement of Balmiki Prasad. It is further submitted that investigation in the case is continuing and if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond or try to tamper with the evidence.

6. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Khusrupur P.S. Case No. 249 of 2017 pending in the Court of learned Special Judge, Excise, Patna City, Patna/Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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