

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39495 of 2026

Arising Out of PS. Case No.-134 Year-2025 Thana- BHAGWANPUR District- Vaishali

Anish Kumar S/O Pacha Sahani @ Pachu Sahani R/O Village-Chhajam,
Chhajan (Thatiya Belaur), Kudhani, P.S.- Turkey, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 17-06-2026 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bhagwanpur P.S. Case No. 134 of 2025, for allegedly having committed offence under Section 309(6) of the BNS and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that on the date of occurrence, while he was returning home on his motor-cycle, after attending a marriage ceremony, two persons started following him on their Apache motorcycle. He was intercepted and one of the persons pointed pistol on his temple and took away the key of the motorcycle. The co-accused person relieved him of Rs. 3,000/-,



which he was carrying. The officials of Bhagwanpur Police Station were on patrolling duty and on hulla, they started chasing the motorcycle, on which both the persons fled away. The police succeeded in apprehending the pillion rider of the motorcycle, who disclosed his name as Vivek Kumar, from whose possession one country made pistol was recovered and on his confessional statement, the name of the petitioner came as an associate of the said Vivek Kumar in the present case.

4. The learned counsel for the petitioner submits that the petitioner is innocent and was not present at the place of occurrence. The name of the petitioner transpired in the present case on the basis of the confessional statement made by the co-accused Vivek Kumar, who was apprehended at the place of the occurrence. Apart from the confessional statement, nothing has come against the petitioner. He further submits that even the provisions contained under Section 105 of the B.N.S.S. have not been followed, while preparing the seizure list. He further submits that the petitioner has got six other cases pending against him and he is on bail in the same.

5. The learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is an accused in six other cases, out of which some are



of similar nature, which suggest that the petitioner is a habitual offender and if he will be granted the privilege of anticipatory bail, there is every chance that he will again indulge in similar type of activity again.

6. Having heard the rival submissions and after going through the record, it appears that on the basis of the confessional statement of the co-accused Vivek Kumar, the name of the petitioner has transpired in the present case. The petitioner is an accused in six cases, out of which some are of similar nature. Considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer to grant the privilege of anticipatory bail to the petitioner is rejected.

(Ritesh Kumar, J)

AjayMishra/-

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