

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39412 of 2026

Arising Out of PS. Case No.-92 Year-2026 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Santlal Kumar S/o Brahmdev Rai @ Brahmdeo Rai resident of Ward no. 13,
Village- Pokhraise, Pokhraise Silaut, P.S. Muffasil, Dist-Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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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 Samastipur Muffasil P.S. Case No. 92 of 2026, for
allegedly having committed offence under Sections 126(2),
115(2), 303(2), 74, 329(4), 351(2) and 3(5) of the BNS, 2023
and 25(1-B), (a), 26 and 35 of Arms Act, 1959.

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 at Yadav
chowk, all the accused persons, including the petitioner herein
came there on two motorcycle. Co-accused Rohit Mishra,
caught hold of the informant's collar and attempted to forcibly



take him away, after snatching his mobile phone. The accused persons alleged that the informant used to give information to the police with regard to sale of illegal liquor by the petitioner and other accused persons. When the villagers assembled there, the petitioner took out a pistol from his waist and threatened the villagers and fled away. It has further been alleged that on the same day at about 7:30 PM, all the accused persons reached the house of the informant and started abusing and assaulting him. When the wife of the informant tried to intervene, she was also assaulted. When the family members of the informant and co-villagers assembled there, the petitioner herein took out a pistol and pointed it out towards the informant. The informant got hold of the pistol and whereupon all the accused persons fled away, however co-accused Rohit Mishra was apprehended. During course of fleeing away, the pistol and mobile phone of the petitioner was left behind.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He submits that nothing has been recovered from the conscious possession of the petitioner or from the house of the petitioner. He further submits that the present FIR has been lodged due to village politics at the local level. He further submits that no fire



arm was recovered or seized by the police from the house or from the possession of the petitioner. He submits that the pistol was seized by the police from the house of the informant himself. He further submits that the petitioner is an accused in five other cases, out of which three are of Excise Act and in all the cases, he is on bail.

5. Per contra, the learned APP for the state vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is an accused in five other cases and therefore, if he will be granted the privilege of anticipatory bail, there is every apprehension that he will indulge in illegal activities in future.

6. Having heard the rival submissions and after going through the records, it appears that the allegation against the petitioner is that he threatened the informant and other villagers with a pistol, which is said to have been left at the place of occurrence, while the petitioner was fleeing away. Nothing has been recovered from the petitioner and the pistol is said to have been recovered from the house of the informant. Considering above, let the petitioner above named, in the event of arrest or surrender withing a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of the Learned A.C.J.M- II, Samastipur or the concerned Court in connection with Samastipur Muffasil P.S. Case No. 92 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1)The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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