

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47762 of 2026

Arising Out of PS. Case No.-356 Year-2024 Thana- Sahayak Khajanchi District- Purnia

Ayush Sharma @ Ayush Kumar S/o Azad Kumar Sharma Resident of Village-
Dhibu Tola Rampur Parhat, P.S.- Rupauli, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-07-2026 Heard learned Counsel for the petitioner and
learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Sahayak Khajanchi P.S. Case No. 356 of 2024, lodged on 21/12/2024, under Sections 191(2), 191(3), 126(2), 115(2), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 25(1-b)(a), 26, 27 and 35 of the Arms Act, 1959.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner. The name of the petitioner has surfaced by virtue of the



disclosure of the apprehended accused persons.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the name of the petitioner has been disclosed by the apprehended accused persons. Counsel submits that the recovery has not been made from the petitioner's possession. Counsel submits that for constitution of Arms Act, it is necessary that the recovery ought to have been made from the conscious possession. Counsel submits that FIR has been lodged only by the person who has seen the occurrence. Counsel submits that the criminal antecedent of the petitioner is clean. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that nothing has been recovered from the conscious possession of the petitioner and antecedent of the petitioner is clean.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand)



as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned C.J.M, Purnia, in connection with Sahayak Khajanchi P.S. Case No. 356 of 2024 subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

Mkr./Anshuman/

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