

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44714 of 2026

Arising Out of PS. Case No.-401 Year-2025 Thana- SAHPUR District- Patna

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Himanshu Kumar @ Himanshu Shekhar S/O Arun Kumar Rai R/O -
Brahampur, Ghurahupur, P.S- Hathilpur, Dist-Buxar

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pampy Kumari, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 08-07-2026 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Shahpur P.S. Case No.401 of 2025, F.I.R dated 25.09.2026 registered for the offences punishable under Sections 25(1-B)(a), 25(1-AA), 26(2) and 35 of the Arms Act, 1969.

3. According to prosecution case, in brief, is that acting on secret information, the police conducted a raid at Flat No. 607, Phase-I, Agrani Home Apartment, Sarari, where illegal firearms were allegedly being manufactured and traded. During the raid, two persons were apprehended, and the police allegedly recovered four country-made pistols with magazines, 58 live cartridges, various tools and machinery used for



manufacturing firearms, mobile phones, several ATM cards, a PAN card, and Rs.30,500 in cash from the possession of one of the accused, namely Awadhesh Kumar Verma. A seizure list was prepared in the presence of police personnel, both apprehended persons were taken into custody, and the present FIR was registered accordingly.

4. Learned counsel for the petitioner submits that the petitioner has not been named in the F.I.R. while, the name of the petitioner has transpired on the basis of confessional statement of co-accused Awadesh Kumar Verma, who was caught from the spot and from whose possession illegal arms is said to have been recovered. It is the case of the petitioner that the petitioner has clean antecedent and nothing incriminating is said to have been recovered from the constructive possession of the petitioner. It has further been submitted that out of the four persons, whose names have transpired on the basis of confessional statement of co-accused Awadesh Kumar Verma, two of them, namely Sanjay Kumar and Prince @ Banti @ Banti Kumar @ Prince Kumar have already been extended the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide orders dated 28.01.2026 passed in Cr. Misc. No.89774 of 2025 and vide order dated 04.02.2026 passed in Cr.



Misc. No.4373 of 2026 respectively.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that the name of the petitioner has transpired on the basis of confessional statement of co-accused Awadesh Kumar Verma, who was caught from the spot and from whose possession illegal arms is said to have been recovered and that out of the four persons, whose names have transpired on the basis of confessional statement of co-accused Awadesh Kumar Verma, two of them, namely Sanjay Kumar and Prince @ Banti @ Banti Kumar @ Prince Kumar have already been extended the privilege of anticipatory bail by a Co-ordinate Bench of this Court . Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 S.D.J.M., Danapur, Patna, in connection with Shahpur P.S. Case No.401 of 2025, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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