

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47332 of 2026

Arising Out of PS. Case No.-510 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Rajan Kumar Son of Surendra Mahto @ Sunil Kumar Resident of village -
Basauna Bhuswar, P.O.- Bhuswar, P.S.- Bibhutipur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Navin Kumar, Advocate

For the State : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Bibhutipur P.S. Case No.510 of 2025 for allegedly having committed offences under Sections 310(4) and 310(5) of B.N.S., 2023 as well as 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 he received a secret information that some antisocial elements have assembled near Jogia cold storage and are planning to commit an offence. To verify the authenticity of the said information, the informant along with the police party reached near the Jogia cold storage and found one motorcycle parked near a thatched house. Upon seeing the police vehicle,



the persons who were sitting inside, started fleeing away. Four persons were apprehended, who disclosed their names as Vishal Kumar, Sachin Kumar, Vikash Kumar @ Dantul and Vikash Kumar and they disclosed the name of the person who fled away as that of the petitioner. From the left side of the waist of co-accused, Vishal Kumar, one country made loaded pistol was recovered along with mobile and some amount. Similarly, from the waist of co-accused Sachin Kumar, one country made loaded pistol was also recovered, apart from Rs.5000/- in cash and a mobile phone. From Vikash Kumar @ Dantul, one country made pistol was recovered from his waist, apart from Rs.2000/-. From another co-accused, Vikash Kumar, who is said to be minor, one mobile phone was recovered. Upon search of the bed, one country made pistol was also seized. The arms were seized and the persons were apprehended and the First Information Report was lodged against the four apprehended persons and the petitioner herein.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He was not present at the place of occurrence and no recovery whatsoever has been made from his possession. He has been named in the present case by co-accused, Sachin Kumar. The



learned counsel for the petitioner further submits that the petitioner is a student and his name has transpired in the present case only on the basis of the confessional statement given by the person who were apprehended by the police at the place of occurrence and further he has got a clean antecedent.

5. *Per contra*, the learned A.P.P. for the State opposes the prayer for grant of anticipatory bail to the petitioner and submits that the petitioner along with other co-accused persons was planning to commit robbery/*dacoity* and when police came, four of his associates were arrested, however the petitioner managed to escape. Arms were recovered from the co-accused persons and one country made pistol was also recovered from beneath the bed.

6. Having considered the rival submissions and after going through the records, it appears that on the basis of the confidential information, a raid was conducted and four persons were apprehended. From possession of three persons, one loaded country made pistol each was recovered and one country made pistol was recovered beneath the bed, which was there at the place of occurrence. The petitioner was not present at the place of occurrence and his name transpired in the present case on the basis of the confessional statement made by the



apprehended co-accused. The petitioner has got a clean antecedent.

7. Taking into consideration the facts aforesaid, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Rosera in connection with Bibhutipur P.S. Case No.510 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

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 antecedent, the court concerned shall take steps for cancellation of his bail bond. However, the acceptance of bail bond 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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