

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51694 of 2026

Arising Out of PS. Case No.-134 Year-2026 Thana- GURUA District- Gaya

Zafir Khan @ Zafir Ahmad S/o Md. Nasim Khan @ Nasim Ahmad Khan @
Nasim Ahmad R/o Village - Pundoul, P.S - Sherghatti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 29-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gurua P.S. Case No. 134 of 2026 dated 09.04.2026 registered for the offence punishable under Section/s 25(9), 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in brief, is that during investigation into a viral social media video displaying an illegal firearm, co-accused Rashid Ali allegedly admitted that the weapon belonged to him and disclosed that he had entrusted it to the petitioner for concealment. It is further alleged that when the police raided the petitioner's house, he fled away and, while being chased, he threw a polythene bag from which a country-made pistol was recovered.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the instant case. Counsel for the petitioner next submits that the name of the petitioner has transpired in this case on the basis of the confession made by the co-accused Rashid Ali who has accepted that the arms so recovered belongs to him while nothing incriminating has been recovered from the constructive possession of the petitioner. Lastly, it is submitted that the petitioner is a person of clean antecedent and for ulterior reason, he has been implicated in this case. Counsel for the petitioner on instruction undertakes that if any case involving similar allegations is instituted against him in future and, upon investigation, the allegations are found to be substantiated, the police may be given liberty to seek cancellation of the bail granted to him.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Having heard learned counsel for the parties and considering the fact that the country-made pistol which is said to have been recovered belongs to the co-accused Rashid Ali and not the petitioner and the petitioner having no antecedent, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate, First Class, Sherghatti, Gayaji in connection with Gurua P.S. Case No. 134 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

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

(ii) the petitioner 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 bail bond by the Trial Court itself;

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

(Ajit Kumar, J)

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