**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.64178 of 2026**

**CNR No. BRHC010940602026**

Arising Out of PS. Case No.-210 Year-2025 Thana- NAYAGAON District- Saran

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Vikki Kumar @ Kabadi S/o Akhilesh Ray R/o Village- Rajapur, P.S- Nayagaon, Dist- Saran at Chapra.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Prashant Sinha, Adv.
Mr. Rishav Ujjain, Adv.
Mr. Shrish Anurag, Adv.
For the State : Mr. Jagdhar Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

3 30-10-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Nayagaon P.S. Case No. 210 of 2025 lodged on 03.11.2025, for the offence punishable under Sections 170, 316(2) & 318(4) of the BNS, 2023 and sections 25(1-B)(a) & 26 of the Arms Act, 1959.

3. As per the prosecution case, FIR has been lodged against the sole petitioner and a raid was conducted at the house of the petitioner as a result of which, huge quantity of money at the tune of Rs. 23 lacs and odd, different jewellaries of gold and silver along with ATM card, cheque book of Axis Bank, SBI and

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HDFC and one *desi* pistol have been recovered from the petitioner's house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the contents of allegation made in the FIR, it appears that the petitioner is a ragman (*kabaadi wala*). Counsel submits that on previous occasion, case diary has been called for and according to the information provided to him by the *pairvikar*, the said pistol was presented for report and in the report, it has been found that the alleged pistol is not an effective one due to the reason that there was neither firing pin nor spring. Therefore, he submits that offence under the Arms Act shall not be attracted in the present case. He further submits that section 170 of the BNS, 2023 is allegation relating to 'Bribery' and there is no such allegation here against the petitioner, therefore, this section shall also not attracted in the present case. Counsel submits that section 316(2) of the BNS, 2023 is allegation relating to 'Criminal Breach of Trust' and in the entire FIR, there is no allegation that with whom criminal breach of trust has been made by the petitioner, therefore, this section shall also not attracted in the present case. He further submits that section 318(4) of the BNS, 2023 is allegation of cheating but, as per the

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FIR, there is neither ingredient nor allegation of cheating against the petitioner, therefore, this section shall also not attracted here in the present case. Counsel therefore submits that the petitioner is basically not accused, rather, victim in this case and he has been unnecessarily in the judicial custody since 08.07.2026, having two criminal antecedents and in both the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that huge quantity of money along with arms have been recovered from the petitioner's possession.

6. After hearing the parties and upon perusal of the case diary particularly it's para 83, it transpires to this Court that the said pistol was not effective one and as per para 104 of the case diary, it transpires that the seized articles have been provided to the Income Tax Department and no offence of breach of trust, cheating and bribery is available *prima-facie* after reading the FIR.

7. This Court further is of the view that in the case diary, it has come that the Income Tax Department has been communicated about the recovery of huge quantity of cash along with jewellaries then in that view of the matter, this Court

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is of the view that keeping the petitioner into custody shall not solve any purpose, therefore, let the above-named petitioner be granted bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of C.J.M., Saran at Chapra, in connection with Nayagaon P.S. Case No. 210 of 2025, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023.

**(Dr. Anshuman, J)**

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