

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77830 of 2025

Arising Out of PS. Case No.-368 Year-2025 Thana- RAJIVNAGAR District- Patna

Abhishek Kumar @ Abhishek Rai Son of Birju Rai Resident of Digha Polson
Road, PS - Digha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-01-2026 Heard Mr. Akhauri Kamal Kishore Sahay, learned
counsel for the petitioner as well as Mr. Amitesh Kumar,
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
13.06.2025 in connection with Rajiv Nagar P.S. Case No. 368 of
2025, F.I.R. dated 12.06.2025 for the offences punishable under
Sections 25(1-b)a, 26, 35 of Arms Act.

3. According to prosecution case, there is alleged
recovery of one country made pistol, one bullet, scooty and
mobile phone from the possession of petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. It appears from the FIR and seizure list that one
country made pistol was recovered from the possession of the



petitioner and co-accused person, namely, Govinda @ Govind Kumar from whose possession six live bullets were recovered has been granted privilege of regular bail from co-ordinate Bench of this Court vide order dated 05.12.2025 in Cr. Misc. No. 74094 of 2025 and the said co-accused happens to be the brother of the petitioner. He further submits that the police after investigation submitted the charge sheet and the petitioner is in custody since 13.06.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that recovery has been made from the possession of the petitioner and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 A.C.J.M-II, Patna in connection with Rajiv Nagar P.S. Case No. 368 of 2025, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below 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 below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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