IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78446 of 2026

CNR No. BRHC011147042026

Arising Out of PS. Case No.-39 Year-2025 Thana- Phulaut District- Madhepura

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Sajan Kumar Son of Wakil Singh Resident of Village- Ajgaiwa, Ward No.09, P.S.- Fulaut, District- Madhepura

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner : Ms. Pooja Prasad, Advocate
For the State : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

2 05-11-2026 Heard the learned counsel for the petitioner and the learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Fulaut P.S. Case No.39 of 2025 for allegedly having committed offences under 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 proceeded for evening patrolling duty along with police party at around 07:00 hours. At around 21:30 hours, while he was conducting vehicle checking drive near *Phardapari* bridge, he received a confidential information that near village Agjeba Navgharia bridge 3-4 persons are present

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with arms and are sitting there. They are consuming intoxicated substance. After giving information to the higher police authorities and to verify the authenticity of the said information, the informant reached at the place of occurrence at around 21:55 hours and upon seeing the police party, 4-5 boys started fleeing away. One boy was apprehended and other three managed to escape. The apprehended boy disclosed his name as Navin Kumar Yadav and on his disclosure the persons who fled away were identified, including the petitioner. From search of the body part of the apprehended person, one country made pistol loaded with one live cartridge and three live cartridges from the pocket of his shirt were recovered. One country made pistol was also found kept on the bridge, wherein one live cartridge was also loaded. On the basis of the said recovery, the present first information report has been lodged.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. She submits that the petitioner was not present at the place of occurrence, therefore there is no question of recovery of any arms from him. She submits that the petitioner along with two other persons has been named in the present case on the basis of the disclosure made by Navin Kumar Yadav, who was

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apprehended at the place of occurrence itself. She submits that apart from the said confessional statement/disclosure made by Navin Kumar Yadav, nothing has come against the petitioner. She next submits that similarly situated co-accused namely Sugandh Sharma @ Sugan Sharma, whose name also transpired on the disclosure made by Navin Kumar Yadav, has been granted the privilege of anticipatory bail vide order dated 12.05.2026 passed in Criminal Miscellaneous No.30662 of 2026 by an Hon'ble Single Judge of this Court. She submits that the petitioner is an accused in one another case bearing Fulaut P.S. Case No.29 of 2025, however in the said case he is on bail.

5. *Per contra*, the learned APP appearing on behalf of the State, while opposing the prayer for grant of anticipatory bail to the petitioner, submits that the petitioner along with 3-4 persons was sitting with arms and when the police came he, along with two others, fled away.

6. Having considered the rival submissions and after going through the records, it appears that on a confidential information, the informant reached at the place of occurrence, however the petitioner along with two others managed to escape and one person namely Navin Kumar Yadav was apprehended. Since the petitioner was not present at the place of occurrence,

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therefore, there is no question of recovery of any arms and one country made pistol was recovered form the pocket of Navin Kumar Yadav, whereas one country made pistol was recovered at the place of occurrence, which was kept on the bridge. Similarly situated co-accused person, whose name transpired on the basis of the confessional statement of the apprehended person, has been granted the privilege of anticipatory bail by a learned co-ordinate Bench of this Court vide order dated 12.05.2026 passed in Criminal Miscellaneous No.30662 of 2026.

7. Taking into consideration the facts aforesaid and to main judicial parity and uniformity, 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., Uda Kishunganj, Madhepura in connection with Fulaut P.S. Case No.39 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

(i) 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,

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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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