

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85395 of 2025

Arising Out of PS. Case No.-60 Year-2024 Thana- KARTAHA District- Vaishali

Vikash Kumar @ Don S/O Prabhuvan Rai R/O Village- Ghataro, P.S.-
Kartanha, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Kartanha P.S. Case No. 60 of 2024 registered for the offences
under Sections 399/402 of the I.P.C. and under Sectoins 25(1-B)
(a)/26/35 of the Arms Act.

3. As per the prosecution case, the informant, while on
patrolling duty, received secret information that four to five
persons had assembled in a mango orchard situated near
Jagdamba asthan and were allegedly planning to commit a
crime. It has further been alleged that the police conducted a
raid at the said place and apprehended three persons on the spot,
namely, Avinash Kumar, Abhishek Kumar and Ritikesh Kumar
@ Chhotu. Upon search, one country-made pistol along with



one live cartridge and one mobile phone was recovered from the co-accused Avinash Kumar, while one 8 mm live cartridge along with mobile phone was recovered from Abhishek Kumar and one smart phone recovered from Ritikesh Kumar. It is further alleged that the apprehended accused persons disclosed the names of persons who had fled from the place of occurrence, including the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has falsely been implicated due to personal differences, solely on the basis of disclosure made by the co-accused persons. It has further been submitted that there is no material on record to connect the petitioner with the present case and no incriminating article has been recovered either from the conscious possession or from the house of the petitioner. It has lastly been submitted that the petitioner carries clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid submission, facts and circumstances of the case, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks



from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Kartanha P.S. Case No. 60 of 2024 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned 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.

7. Accordingly, the prayer for anticipatory bail is allowed.

(Sourendra Pandey, J)

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