

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90765 of 2025

Arising Out of PS. Case No.-472 Year-2024 Thana- TARAIYA District- Saran

1. Vivek Kumar @ Vivek Sahni Son of Vinod Sahni Resident of Village - Murlipur, P.S.- Taraiya, District - Saran.
2. Pawan Kumar Son of Lakhan Sahni Resident of Village - Murlipur, P.S.- Taraiya, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-01-2026 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Taraiya P.S. Case No. 472 of 2024, registered for the offences punishable under Sections 310(4) and 310(5) of the Bharatiya Nyaya Sanhita and Section 25(1-b), 26 and 35 of the Arms Act.

3. The police on a secret information that some miscreants are assembled and conspiring to loot, conducted a raid, however noticing the police party, some of the persons present there succeeded in fleeing away and two of the persons



have been apprehended, from whose possession the arms and bullets were recovered.

4. Learned Advocate appearing on behalf of the petitioners submitted that on the disclosure made by apprehended co-accused Adarsh Kumar, the name of the petitioners have been implicated in two other criminal cases, besides the present one. Prior to the institution of the present case, the petitioners were having absolutely fair antecedent. So far the petitioner no. 1 is concerned, he is a student and studying in class twelve, whereas the petitioner no. 2 is an unskilled poor labourer, have nothing to do with the crime in question. With respect to one another criminal case wherein the name of the petitioners have also implicated, based on the confessional statement of co-accused Adarsh Kumar, the petitioners have been extended the privilege of anticipatory bail by learned co-ordinate Bench of this Court in Criminal Miscellaneous No. 81517 of 2025. He next submitted that the Court while granting the bail to the petitioners, have also observed that the police in majority of cases implicating innocent persons either at the behest of chowkidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation and the present case is nothing, but an



example of the same.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the name of the petitioners have transpired on the confessional statement of co-accused persons who were apprehended by the police and from their possession arms were recovered.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that save and except the confessional statement of the co-accused, there is no other material, besides prior to the lodging of the FIR they had absolutely fair antecedent and the petitioner no. 1 is a student, whereas the petitioner no. 2 is a unskilled labour, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Court of ACJM-13, Chhapra at Saran or Successor Court in connection with Taraiya P.S. Case No. 472 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha



Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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