

COURT OF PRINCIPAL SESSIONS JUDGE, NALANDA, BIHARSHARIF

A.B.P. No. 987 / 2026

Akhilesh Kumar and others Vs. The State of Bihar

04.06.2026

The present petition for anticipatory bail has been filed on behalf of petitioners, Akhilesh Kumar, Shailendra Kumar and Sadhu Saran Singh, who are apprehending their arrest in connection with Deepnagar P.S. Case No. 243/2026 registered for the offences punishable u/s. 25(1-B)(a), 26 and 35 of the Arms Act.

Learned lawyer of the petitioners has submitted that earlier, no bail petition either anticipatory or regular has been filed on behalf of the petitioners either before this Court or the Hon'ble High Court. The petitioner No. 01 and 02 have criminal antecedent of one case i.e., Deepnagar P.S. Case No. 31/2025 and the petitioner No. 03 has no criminal antecedent. He further submitted that the petitioners are innocent, have committed no offence and they have falsely been dragged and implicated in the present case due to some ulterior motive. The fact is that the villagers snatched a country made pistol, a live cartridge and also a mobile from the possession of Nitish Kumar and these articles were produced before the Police and on the spot, production-cum-seizure list was prepared. The petitioners have no concern with the said pistol and a live cartridge. Hence, the petitioners be granted anticipatory bail.

Learned P.P. opposed the prayer for anticipatory bail of the petitioners.

Prosecution case is based on the self statement of Jitendra Kumar Sharma posted as S.I. in the Deepnagar P.S. wherein, he has stated that he is the Investigating Officer of Deepnagar P.S. Case No. 29/2025 dated 22.01.2025 under Sections 190, 191(2), 191(3), 115(2), 126(2), 303(2), 324(4), 352, 351(2) of the B.N.S. and 25(1-B)(a), 26 and 35 of the Arms Act. In the said case, a country made pistol was produced by Akhilesh Kumar and a Production-cum-seizure list was prepared, upon which, Sadhu Saran Singh and Shailendra Kumar had signed. As per direction received from Sub-Divisional Police Officer, Sadar 1 Nalanda through Letter No. 1020 dated 01.03.2025, he received direction to register the case against all three persons under relevant Sections of Arms Act. Accordingly, he requested that the case be registered against all three persons who had produced country made pistol in Deepnagar P.S. Case No. 29/2025. On the basis of this, F.I.R. was registered in this case against all the three petitioners under Sections 25(1-B)(a), 26 and 35 of the Arms Act.

Heard the learned lawyer for the petitioners as well as the learned P.P. for the State and perused the case record as well as the case diary. The petitioner No. 01 is the

P.T.O.

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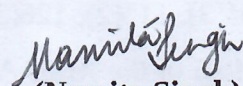
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04.06.2026

informant of Deepnagar P.S. Case No. 29/2025 and petitioner No. 02 and 03 are the seizure list witnesses, who had together brought forward the recovery of weapon to the Police by producing the fire arm allegedly recovered from the accused of that case by villagers. The said case is stated to be under investigation and it appears that this case has been filed during investigation of that case. It is clear that the recovery of the fire arm is not by a Police Officer. Hence, the operation of Section 37(b) of the Arms Act shall come into play. Moreover, in view of the particular facts of this case as mentioned above, physical custody of the petitioners does not appear essential at this juncture.

Considering the aforesaid facts and circumstances of this case, this Court finds it a fit case to grant anticipatory bail, accordingly, the petitioners are **granted** anticipatory bail. It is further ordered that the petitioners are directed to be released on bail in the event of their arrest or surrender whichever is earlier within a period of 30 days from the date of receipt of the copy of order in the court concerned, on furnishing bail bond of **Rs. 10,000/-** with two sureties of the like amount each to the satisfaction of the learned court below subject to the conditions as laid down u/s 482(2) of the B.N.S.S. along with further conditions that **the petitioners shall make themselves available for interrogation by Police as and when required.**

(Dictated & corrected)


(Namita Singh)

I/c. Principal Sessions Judge, Nalanda,
Biharsharif.

Date of Order	04.06.2026
Date of Reserving Order	04.06.2026
Uploading Date	05.06.2026
Uploaded by	Rashmi Raji