

In the Court of Sessions Judge, Vaishali

A.B.P. No. 1059/2026

Rajkumar Rai, aged about 37 years S/o Birchandra Rai
Resident of village – Gopalpur Chaknai, P.S. - Bidupur , Distt. - Vaishali.

	-	Petitioner
Verses		
State of Bihar	-	O.P.

Appearance : -

Learned counsel for the petitioner : - Sri Munshi Rai, advocate.

Learned P.P. for the State : - Sri Shyam Babu Rai,

Present : Harshit Singh,
Sessions Judge, Vaishali.

Date of order : 21st. May 2026

Heard the learned defence counsel as well as learned Public Prosecutor on the anticipatory bail application filed on behalf of the above named accused petitioner under section 482 of B.N.S.S. who is apprehending his arrest in connection with Bidupur P.S. Case No.417/2024 u/ss.317(5) B.N.S. and sections 25(1-b)a, 26 & 35 of Arms Act.

It is stated in Para 2 of the anticipatory bail petition that no bail application either anticipatory or regular has been filed in the present case either before this court of Sessions or before the Hon'ble High Court, Patna.

The case of the prosecution in brief as per written report of the informant Arun Kumar S.I. cum S.H.O. of Bidupur P.S is that on 22.07.2024 in the night at 23.30 hours when he alongwith police forces reached near village Chandpura – Saidabad road, he saw that four persons boarded on two motorcycle were coming, which were surrounded by the police forces, out of whom one person succeeded to flee away but three persons alongwith motorcycles were apprehended. On interrogation the apprehended persons, who were boarded on motorcycle bearing registration no.BR31AY 5324 disclosed their name as Dhiraj Kumar and Gautam Kumar. On search from the possession of Dhiraj Kumar one loaded country made pistol with a live cartridge was recovered and from the

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possession of Gautam Kumar one mobile phone of Vivo company was recovered. Accused Dhiraj Kumar has not given any satisfactory reply regarding the recovered Katta and cartridge. Accused Gautam Kumar also did not disclose anything about recovered mobile. During interrogation accused Gautam Kumar disclosed that on 06.07.2024 he along with Dhiraj Kumar and Ravindra Kumar have committed loot-pat at lonely place on the road going from Chechar Chowk to Panapur Kyam. The accused Ravindra Kumar is with the stolen motorcycle. Apprehended accused who was boarded on Splendar Plus motorcycle bearing Engine no. HA11EANHL52067 has disclosed his name as Ravindra Kumar @ Bantha and on search from his possession one live cartridge was recovered. Accused Ravindra Kumar has not given any satisfactory reply about recovered articles and he has accepted that on 06.07.2024 he and accused Dhiraj Kumar and Gautam Kumar have snatched the mobile and motorcycle on the point of pistol from a person and this motorcycle was looted in the said occurrence. They also disclosed the name of the escapee person as **Rajkumar Rai** (petitioner). Accordingly, seizure list was prepared and the apprehended accused persons were arrested.

Learned advocate for the petitioner has submitted that the petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner has no concern with the arrested accused persons. He was not present at the alleged place of occurrence. His name was disclosed by the arrested accused persons. The co-accused persons have been granted regular bail by this court vide B.P. No. 1282/2024, B.P. No. 1320/2024 and B.P. No. 1328/2024. Petitioner has criminal antecedent of two other cases. Hence, prayer has been made for anticipatory bail.

Learned Public prosecutor opposed the prayer for anticipatory bail.

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Heard the parties and also perused the trial court record and the case diary. From perusal of the trial court record and the case diary, it appears that there is allegation against the petitioner that he alongwith other three other accused persons were going on two motorcycle, out of whom three persons were arrested by the police and petitioner succeeded to escape away. From the possession of arrested accused persons arms, ammunitions and motorcycle were recovered. Para 36 of the case diary shows that the seized motorcycle bearing registration no. BR-31AY 5324 was stolen property, for which Bidupur P.S. Case No. 365/2024 was lodged against unknown. The said motorcycle belongs to Aditya Kumar Anand. The name of the petitioner was disclosed by the arrested accused persons in their confessional statements but the said confessional statements do not show the complicity of the petitioner in the alleged crime. The arrested accused persons namely Dhiraj Kumar, Ravindra Kumar @ Bantha and Gautam Kumar have already been granted regular bail by this court vide B.P. No. 1282/2024, B.P. No. 1328/2024 and B.P. No. 1320/2024.

Therefore, considering the aforesaid facts and circumstances of the case as well as nature of allegations, the prayer for anticipatory bail of the above named petitioner is hereby, allowed and it is ordered that in the event of arrest or surrender, he will be enlarged on anticipatory bail, on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned court below, within four weeks of this order, subject to the conditions as laid down under section 482(2) of the Bhartiya Nagrik Suraksha Sanhita 2023 **subject to the further conditions** that :-

- (i) The petitioner will not indulge in any kind of such offence and shall appear and report to S.H.O. of concern police station on first week of the every month for a period

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of one year regarding his activity after furnishing bail bonds.

(ii) The petitioner will not delay the disposal of trial in any manner what so ever and will remain physically present for framing of charge and at the stage of recording of statement under section 351 of B.N.S.S.

(iii) The petitioner would not repeat similar type of offence in future.

In case of breach of any of the aforesaid conditions, learned Court concern will be at liberty to cancel the bail and send the petitioner to prison.

Before accepting the bail bonds of the petitioner, the learned Trial Court is requested to ensure that a copy of this order be sent to the S.H.O. of concern P.S. with direction that, the concern S.H.O. will inform the learned Court if the petitioner fail to appear before him in any month as specified in aforesaid condition.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali.

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