

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (DB) No.787 of 2026**

**CNR No. BRHC010570922026**

Arising Out of PS. Case No.-11 Year-2024 Thana- NIA District- Patna

Satyam Kumar S/o Shri Randhir Singh R/o Vill- Anjanpeer, Ward No.4,  
Police Station- Town, District- Vaishali

... .. Appellant

Versus

The Union of India through National Investigation Agency, New Delhi

... .. Respondent

**Appearance :**

|                   |   |                                                                                                                                        |
|-------------------|---|----------------------------------------------------------------------------------------------------------------------------------------|
| For the Appellant | : | Mr. Arvind Kumar Mouar, Advocate<br>Mr. Raj Krishna Jha, Advocate                                                                      |
| For the NIA       | : | Mr. Manoj Kumar Singh, Spl.P.P.<br>Mr. Ankit Kumar Singh, Advocate<br>Mr. Sanjay Kumar Singh, Advocate<br>Mr. Pramod Kumar, P.P. (NIA) |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**and**  
**HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**CAV JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)**

**Date : 09-10-2026**

The sole appellant in this appeal is seeking setting aside of the order dated 11.05.2026 passed by the learned Special Judge, NIA, Patna, Bihar in Special Case No. 06 of 2024 arising out of Fakuli (Muzaffarpur) P.S. Case No. 19 of 2024 registered by NIA as RC No. 11/2024/NIA/DLI under Sections 25(1-AA), 26 and 35 of the Arms Act and Section 120(B) of the Indian Penal Code (in short ‘IPC’) as also under Sections 13, 16 and 18 of the Unlawful Activities (Prevention) (in short ‘UA(P)’) Act.



**Prosecution Case**

2. The prosecution case is based on the self-statement of one Ranjit Kumar, Sub-Inspector of Police, Sadar Thana, Muzaffarpur, recorded on 07.05.2024 alleging therein, *inter alia*, that on the same day, a team was constituted comprising personnel of the DIU, Muzaffarpur, the Special Team of Bihar STF and two other police officials, namely, (1) Bhashkar Kumar Mishra and (2) Kunal Kumar Kashyap. At 03:00 AM, he gave informant to Lalan Kumar on telephone that accused (1) Vikas Kumar, son of Late Ajay Shankar Prasad, resident of village Gothheria, P.S. Jaitipur, District Muzaffarpur, and (2) Satyam Kumar, son of Raghuvir Singh, resident of village Anjanpir, Ward No. 04, P.S. Town, District Vaishali, were apprehended from Muzaffarpur Railway Station. An AK-47 rifle butt and a lens said to be associated with the said firearm were recovered from them. During questioning, Vikas Kumar allegedly disclosed that he possessed an illegally manufactured AK-47 assault rifle, which had been handed over to one Dev Mani Rai @ Anish for concealment. He further allegedly disclosed that the persons concerned were involved in the purchase and sale of illegally manufactured firearms. The informant told the S.H.O., Fakuli that the team along with the accused Vikash Kumar and Satyam had come near Dhodhi Bridge which falls in Fakuli



Police Station and they have to raid in the house of Devmani Rai @ Anish.

It is further alleged that after receiving the information, the police team, along with the officer-in-charge of Fakuli Police Station and other personnel, proceeded towards the residence of Dev Mani Rai @ Anish at village Manikoli at approximately 03:30 AM. Upon reaching the place, the police party found the main gate of his house locked from inside. Despite repeated requests, the gate was not opened, and the persons present there allegedly resisted the police party. Thereafter, the police sought assistance from Kudhani Police Station, following which additional police personnel arrived at the spot. With their assistance, the main gate was opened, and a search was conducted and during the course of the investigation, Dev Mani Rai @ Anish was apprehended. On being questioned strictly, he allegedly disclosed that Vikash Kumar had given him AK-47 assault rifle which he had concealed beneath a bridge situated near Maltabani Road.

Acting upon the said disclosure, the police party proceeded to the indicated place, where Dev Mani Rai brought out the concealed AK-47 assault rifle without its butt. On seeing the police personnel, the nearby people assembled there and the police asked any two of them to be independent witness but none of them



agreed to be a witness. Thereafter, the police personnel (1) Rajesh Kumar and (2) Md. Ikaram from the raiding team became the witnesses and the rifle bearing Arsenal Number IT4508n and its barrel approximately 17 *angul* in length, body measuring 16 *angul*, piston rod with n4355 marked with attached magazine was recovered. Upon unloading the magazine, five live cartridges bearing the marking “7.62 A7 13 OFV” were allegedly recovered. From Devmani Rai, one VIVO phone bearing IMEI No. 866670066473219, 866670066473201 and mobile number 8434764717 was recovered. From Vikash Kumar, a butt and red colour Apple Phone with mobile number 9024672873 and from Satyam, one lens and blue colour Nokia Phone having IMEI No. 358273982159536, 358273982159544 having mobile number 9507980721 were recovered. The seizure list was prepared and the articles seized were sealed. On questioning about the seized AK-47 assault rifle, Vikash Kumar disclosed that one Ahmad Asari of Gopalganj, presently residing in Nagaland runs a garage and is engaged in sale and purchase of illegal weapons from whom he had purchased the rifle and had given it to Dev Mani Rai to keep it concealed.

The FIR was registered against accused persons (1) Vikash Kumar, (2) Satyam Kumar, (3) Devmani Rai @ Anis, and (4)



Ahmad Asari for the offence under Section 25(1-AA), 26 and 35 of the Arms Act.

3. After investigation, Fakuli Police submitted charge-sheet vide Charge-sheet No. 15 of 2024 on 27.06.2024 under Sections 25(1-AA)/ 26/35 of the Arms Act against four persons including the appellant. It, however, appears that subsequently the case was handed over to the National Investigation Agency (NIA), where the case was re-registered and on the request of the investigating agency, Sections 13, 16 and 18 of the UA(P) Act, 1967 have been added vide order dated 11.02.2025. It is stated that the NIA has not found any linkage of the appellant with any naxal or terrorist group. The appellant is in jail custody since 07.05.2024. The bail application of the appellant has been rejected twice.

**Submissions on behalf of the Appellant**

4. Learned counsel for the appellant submits that this appellant has been falsely implicated in this case only for the reason that he happens to be the cousin brother (*mamera bhai*) of the co-accused, Vikash Kumar. It is submitted that the NIA intends to produce 60 to 70 witnesses in the trial but as per their own statements, 91 witnesses have been cited in the charge-sheets and since framing of the charge, only two witnesses have been examined up till now. Thus, the submission of learned counsel for



the appellant is not only that the appellant has a good case for bail on merits, he has also a case for bail on the ground of no likelihood of the completion of trial in near future.

**Submissions on behalf of the NIA**

5. The NIA has filed a counter affidavit. In the counter affidavit, it is stated that on 07.05.2024, one butt and lens of AK-47 rifle was recovered from the possession of the accused Vikash Kumar (A-1) and Satyam Kumar (A-2, the appellant herein). Their interrogation disclosed that one AK-47 was given to Dev Mani Rai @ Anish (A-3). Thereafter, house of accused Dev Mani Rai @ Anish (A-3) was raided and on his disclosure, the said AK-47 rifle with magazine loaded with five cartridges concealed beneath the *Marghatia* Bridge was recovered and seized on 07.05.2024. The investigation disclosed that one Md. Ahmad Ansari (A-4) was running a garage/workshop in Dimapur, Nagaland and was actively involved in supply of AK-47 rifles.

6. The counter affidavit further states that during investigation, it transpired that the accused persons made cash as well as bank transactions for procurement of an AK-47 rifle. The bank account statement of accused Vikash Kumar (A-1), Dev Mani Rai @ Anish (A-3) and Md. Ahmad Ansari (A-4) established transaction among them. In paragraph '15' of the counter affidavit, it is stated that the investigation revealed that there was a demand of AK-47 rifle by Dev Mani Rai @



Anish (A-3) during the meeting with Md. Ahmad Ansari (A-4) through the accused Vikash Kumar (A-1). In the month of February 2024, one AK-47 rifle was provided to the accused Dev Mani Rai @ Anish (A-3) by accused Md. Ahmad Ansari (A-4) through accused Vikash Kumar (A-1) at a price of Rs. 7 Lakhs. In paragraph '24' of the counter-affidavit, it is stated that the digital devices/CDRs of the accused persons also disclosed that all the accused persons were interconnected and it is further stated that AK-47 rifle procured from Nagaland were to be supplied to the naxal/criminals in the State of Bihar. NIA has filed a supplementary charge-sheet under Section 120B of IPC and Sections 13 and 18 of the UA(P) Act against the accused persons.

### **Consideration**

7. In course of hearing of the appeal on 01.10.2026, learned counsel for the appellant vehemently submitted that the NIA has no material in its possession to connect this appellant in the present crime. Taking note of his submissions, this Court directed the learned ASG representing the NIA to seek instructions and revert to this Court with specific statement. The order dated 01.10.2026 passed by this Court reads as under:-

“Learned counsel for the appellant has vehemently submitted before this Court that neither any bank account of this appellant has been seized showing huge transactions nor from his mobile any incriminating material has been found. It is also submitted that the N.I.A. talks about the visit said to have been made by



this appellant along with Vikas Kumar to Dimapur, Nagaland and it claims possession of the railway ticket of this appellant said to have been collected during investigation of the case, but there is no such railway ticket of the appellant. It is submitted that by making general statements in the counter affidavits saying that the CDRs of the mobile phones of the accused persons would show that they were internally connected with each other, the appellant is being sought to be defeated. The fact is that there is no CDR showing connection of this appellant with that of the other accused.

2. Learned A.S.G. representing the N.I.A. shall seek instruction and revert to this Court with specific statement on the aforesaid aspects.

3. List this matter under the same heading maintaining its position on 8th of October, 2026.”

**8.** In the hearing held on 08.10.2026, Mr. Manoj Kumar Singh, learned counsel for the NIA, has submitted before this Court that so far as this appellant is concerned, the NIA has not found any financial transaction between this appellant and the co-accused. It is further submitted that the analysis of the CDR of the mobile phones of the accused persons are not showing any digital connect between this appellant and the other co-accused. It is submitted that the investigation has revealed that this appellant is



cousin brother of Vikash Kumar and he had travelled with him to Dimapur where he had stayed in a hotel together and returned from Dimapur to Muzaffarpur Junction on 06.05.2024. A photocopy of an electronic reservation slip has been produced before this Court. This is the only material placed before this Court.

9. On our request, learned counsel for the NIA has produced the case diary which we have perused. The case diary has been initiated on 07.05.2024 at 15:10 Hrs. This Court has noticed that even as the appellant is said to have been arrested by the informant from Muzaffarpur Railway Station at about 3:00 AM on 07.05.2024 and on the basis of the confessional statement of Vikash Kumar, a raid was conducted in the house of Dev Mani Rai @ Anish, the case diary reveals that in this case, the first confessional statement is not of Vikash Kumar. It is the confessional statement of Dev Mani Rai @ Anish (A-3) recorded on 07.05.2024 at 5:10 AM near house of A-3. The seizure list of recovery of AK-47 rifle, one wooden butt and one lens apart from the mobile phones has been prepared on 05.07.2024 at 5:30 AM (this seems to be a typographical error as the correct date is 07.05.2024). The two constables who were members of the raiding party are the seizure list witnesses.



**10.** So far as the confessional statement of Vikash Kumar is concerned, it has been recorded at 6:45 AM on 07.05.2024, therefore, even as this appellant is said to have been taken into custody together with his cousin Vikash Kumar from Muzaffarpur Railway Station at about 3:00 AM and from his possession one lens is said to have been recovered, no seizure list of recovery of lens was prepared at the Railway Station, Muzaffarpur. Although the raid in the house of Dev Mani Rai @ Anish is said to have been conducted on the disclosure of Vikash Kumar (A-1) but the confessional statement of A-1 has been recorded much after the confessional statement of Dev Mani Rai (A-3) and the preparation of seizure list.

**11.** In course of perusal of the case diary, we have noticed that Md. Ahmad Ansari (A-4) is said to have disclosed about his dealings with Vikash and Dev Mani (paragraph '58' of the case diary). The only fact which has come on the record is that in May 2024, Vikash Kumar (A-1) had visited Dimapur accompanied by this appellant. This confessional statement of Ahmad Ansari contained in paragraph '58' of the case diary is the material against the appellant. In paragraph '107' of the case diary, the financial transaction between Vikash and Md. Ahmad Ansari has been shown. No financial transaction between this appellant



and the co-accused has been found. In the light of aforesaid material, we have gone through the impugned judgment. It appears that for purpose of rejection of prayer for bail of the appellant, the learned Public Prosecutor for the NIA has made certain submissions which are not borne out of the records i.e. the case diary. For example, the learned APP submitted in the NIA Court that Vikash Kumar (A-1) and Satyam Kumar (A-2) disclosed during interrogation that AK-47 rifle has been given to Dev Mani Rai (A-3). On record, there is no such confessional statement of Satyam Kumar (A-2). Further, the recovery of a lens from the possession of Satyam (A-2) as per seizure list is not at the Railway Station, Muzaffarpur but from near *Murghatia* in Village Mankauli. In the impugned order, it is recorded that the seizure list dated 07.05.2024 shows recovery of an AK-47, wooden butt and lens from the possession of petitioner and co-accused Vikash Kumar at the time of apprehension but as stated above, the case diary does not contain any seizure list showing recovery from possession of the appellant at the Railway Station, Muzaffarpur.

**12.** Having regard to the entire materials, wherein the NIA has not found any digital connect between the appellant and the co-accused, no financial transaction between appellant and the co-accused and that the seizure of lens from possession of the



appellant at the Railway Station, Muzaffarpur is not evident from the seizure list, rather it shows that the seizure has been made in Village Mankauli after about two and half hours of the appellant having been taken into custody by police, the only material being that he visited Dimapur once with his cousin brother Vikash and stayed with him, the appellant has already remained in jail for over two years five months by now and at this stage, only two witnesses have been examined out of 91 charge-sheet witnesses, he has otherwise no criminal antecedent, therefore, this Court sets aside the impugned order and directs release of the appellant on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NIA, Patna, Bihar in Special Case No. 06 of 2024 arising out of Fakuli (Muzaffarpur) P.S. Case No. 19 of 2024 registered by NIA as RC No. 11/2024/NIA/DLI, subject to the condition that:-

(1) He would attend the trial on each and every date fixed by the learned Special Judge, NIA Court. In case of his absence for no plausible reason/ground, the learned trial court shall cancel his bail bond.



(2) He shall not leave the country without permission of the Court. His passport, if any, shall be deposited with the learned trial court.

13. This appeal is allowed.

(Rajeev Ranjan Prasad, J)

( Sunil Dutta Mishra, J)

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