

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67854 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- SHANKARPUR District- Madhepura

BIJENDRA YADAV Son of Siya Ram Prasad Yadav Resident of Village -
Hirolwa, Ward No.- 08, P.S.- Shankarpur, District – Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Shankarpur P.S. Case No. 120 of 2021
registered for the offence under Sections 25(1-b)a, 26, 35 of
the Arms Act. He is in custody since 09.08.2021. Petitioner
has no criminal antecedent.

As per the prosecution story, the Officer-in-Charge
of the police station got a secret information that near the
temple two groups are fighting and one miscreants is having a



fire-arm with which he is trying to fire. It is alleged that on information when the police party reached there, the accused persons started fleeing away but on chase this petitioner was arrested on the spot and from his possession two loaded country made pistols/katta and two live cartridges were recovered.

Learned counsel for the petitioner submits that there is no allegation that the petitioner had fired from the pistols or that he had injured anybody. Submission is that petitioner has been falsely implicated in this case because of political rivalry.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that the presence of the petitioner at the spot with two loaded country made pistols and two live cartridges and then his participation in the quarrel which was going on are such that the petitioner does not deserve privilege of bail at this stage.

Having regard to the submissions and the materials particularly that two loaded country made pistols have been recovered from possession of the petitioner and he was arrested at the spot, this court is not inclined to release the petitioner on bail at this stage.



Prayer for regular bail of the petitioner is, thus,
refused.

Let the trial be expedited. If the trial remains
unconcluded within a period of six months from today, the
petitioner will be at liberty to renew his prayer for bail.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

