

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43903 of 2023

Arising Out of PS. Case No.-767 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

MADHUSUDAN YADAV @ MASUDAN YADAV Son of Dasrath Yadav
Resident of village - Raghunath Pur, P.S.- Sahapur Kamal, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 25(1-B)a,
26 and 38 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases.

4. The informant alleges that from a white colour
Maruti Suzuki Car various arms and ammunitions were
recovered as detailed in the FIR.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the confessional statement of co-accused



Ajit Kumar in police custody which does not have any evidentiary value in the eye of law. It is further submitted that petitioner is not the owner of the seized car.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is huge recovery of arms and ammunitions from the vehicle and the name of the petitioner transpired in the confessional statement of Ajit Kumar as such it is not a fit case where privilege of anticipatory bail be extended as he has antecedent of two cases.

7. At this stage, learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth and proving his innocence.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with



Begusarai Town P.S. Case No. 767 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. One of the bailors of the petitioner shall be his father, namely, Dasrath Yadav.

10. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

11. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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