

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44678 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

Mritunjay Kumar Yadav @ Mritunjay Kumar @ Mritunjay Yadav Son of
Shyamsundar Yadav R/O Vill.- Gajipaita, Ward no.13, P.S.- Sonbarsha Raj,
Dist.- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Mohammed Arif

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sonbersha Raj P.S. Case No. 249 of 2023 instituted for the
offences punishable under Sections 25(1-B)a and 26 of the Arms
Act.

3. As per prosecution case, there has been recovery of
one loaded country-made pistol, one live cartridge and one
empty cartridge from the possession of the petitioner.

4. Learned counsel for the petitioners submitted that
the petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. The petitioner has
no concern with the alleged arms and cartridges, which were



seized by the police. No incriminating article has been recovered from the conscious possession of the petitioner. Only on the basis of suspicion, petitioner has been implicated in the present case by the police due to his criminal antecedents. The provision of Section 100 of the Cr.P.C. has not been followed in this case while preparing the seizure list. The petitioner is in custody since 23.10.2023 and he has twenty six criminal antecedents.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sonbersha Raj P.S. Case No. 249 of 2023, Subject to following conditions:

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Arish/-

U		T	
---	--	---	--

