

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 55396 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- BRAHMPUR District- Buxar

Pappu Yadav, Son of Munna Yadav, R/o Village- Ahibaran Rai Ke Dera, P.O.-
Dumraon, PS- Krishna Brahm (Brahampur) District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Choubey, Adv.
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-12-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends his arrest in connection
with Brahmpur P.S. Case No. 118 of 2024 registered for the
offences punishable under Sections 25(1-B)a, 26 and 35 of the
Arms Act.

3. The police on a secret information apprehended
co-accused Vishwas Mali in connection with Dumraon P.S. Case
No. 77 of 2024. The apprehended co-accused disclosed that his
arms have been concealed in the house of the petitioner. On the
afore-noted disclosure, the house of the petitioner was raided
and from there, one country made rifle and pistol along with
some cartridges were recovered.

4. Learned counsel for the petitioner drawing the



attention of this Court to the seizure list has submitted that the alleged recovery has been made from asbestos house beneath the sack of wheat, which is easily accessible to all. Moreover, had the recovery been made from the house of the petitioner, there would have been signature of the family members of the petitioner, but the same has not been done, apart from the fact that seizure list witnesses are none else but the police personnel and, as such, in defiance with Section 100(5) of the CrPC. It is next contended that the allegation levelled in Dumraon P.S. Case No. 77 of 2024 also belies the prosecution case that the time of occurrence is similar in both the cases.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that apart from two criminal antecedent of the petitioner, two country made illegal arms and live cartridges were recovered from the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the recovery of arms from the asbestos house of the petitioner, coupled with the criminal antecedent, this Court is not acceded to the prayer of the petitioner for grant of anticipatory bail. Accordingly, his prayer is rejected.



7. However, if the petitioner surrenders before the learned Court below within a period of four weeks from today and seeks regular bail, the same shall be considered on its own merit without being prejudiced in any manner by the present order.

(Harish Kumar, J)

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