

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54153 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- GOGRI District- Khagaria

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Himanshu Yadav @ Himanshu Kumar Yadav Son of Late Anirudh Yadav
Village- Sishba, PS- Gogri, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Gogri
P.S. Case No. 76 of 2024 instituted for the offences under
Sections 25(1-B)A, 26 of the Arms Act.

3. As per prosecution case, the police has recovered
one loaded country-made pistol and one live cartridge from the
conscious possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner.
During investigation, nothing substantive evidence has come



against the petitioner to connect his involvement in the present case. The petitioner has no concern with the alleged seized article. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has four criminal antecedents and is languishing in judicial custody since 01.03.2024 without any rhymes or reason. The police, after investigation, has submitted the charge-sheet against the petitioner and cognizance has also been taken under Sections 25(1-B)a & 26 of the Arms Act.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, 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 Gogri P.S. Case No. 76 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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