

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65642 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- BASOPATTI District- Madhubani

Bablu Yadav Son of Dhaniklal Yadav Resident of Village- Birpur, Police
Station- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2024 Heard Mr. Bhavesh Sah, learned counsel appearing
on behalf of the petitioner and Mr. Abhay Kumar, learned APP
for the State.

2. Petitioner seeks regular bail in connection with
Basopatti P.S. Case No. 121 / 2024 registered for the offences
punishable under Sections 25(1-B)(a)/26/35 of the Arms Act.

3. As per the allegation made in the FIR in connection
with Basopatti P.S. Case No.119 / 2024 in course of
investigation, the petitioner has been made accused in the
present case, on the basis of confessional statement of co-
accused Mantut Devi. The alleged arms, which were used in the
murder of co-accused Mantut Devi's husband, are said to have
been recovered from the house of the one Surdas.

4. Learned counsel appearing on behalf of the



petitioner submitted that in connection with murder, Basopatti P.S. Case No.119/2024 was lodged and subsequent to same, the arms were recovered on the basis of confessional statement of one co-accused Mantut Devi, who disclosed that the arms were kept in the house of co-accused Surdas and thereafter, the petitioner has been made accused in the present case. He further submitted that though as a result of confessional statement of one of the co-accused Mantut Devi, recovery has been made but petitioner is innocent and he has no connection either with the alleged commission of murder of co-accused Mantut Devi's husband or any arms, which were recovered from the house of the said co-accused Surdas and the petitioner was made accused due to highhandedness of the investigating officer. Learned counsel further submitted that other co-accused has been granted regular bail by this Court vide order dated 01.10.2024 passed in Cr. Misc. No.66413 of 2024 and vide order dated 18.10.2024 passed in Cr. Misc. No.67458 of 2024. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP appearing for the State opposes the bail prayer.

6. Having considered the rival submissions made on behalf of the parties and also considering the fact that no arms



were recovered from the possession of the petitioner, and the recovery of arms has been made from the house of one co-accused Surdas but as per the allegation made in the FIR, that arms were thrown in a river and recovery of the same from the house of co-accused Surdas creates doubts. Other co-accused has been granted regular bail by this Court vide order dated 01.10.2024 passed in Cr. Misc. No.66413 of 2024 and vide order dated 18.10.2024 passed in Cr. Misc. No.67458 of 2024. The petitioner is in custody since 30.06.2024. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate – Ist Class, Madhubani in connection with Basopatti P.S. Case No. 121 / 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after her release on bail, the trial Court shall take steps to cancel her bail bond.

(v) **The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J.)

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