

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77608 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- GOPALPUR District- Bhagalpur

Dilkhush Yadav @ Dilkhush son of Vijay Yadav Village- Dimaha @ Demaha
Ps- Gopalpur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 10-05-2024 **1.** Heard learned counsel appearing on behalf

of the petitioner and learned counsel appearing on behalf

of the State.

2. The petitioner seeks bail in connection with

Gopalpur P.S. Case No. 392 of 2022 registered for the

offence under Sections 25(1-B)a, 26, 35 of the Arms

Act r/w Sections 3, 4 and 5 of the Explosive Act.

3. The accused/petitioner is not named in the

F.I.R. and is in custody since 30.01.2023.

4. The allegation against the petitioner is to



have in possession of firearms and explosive substances alongwith other co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner transpired during the course of investigation on the basis of confessional statement of co-accused Pawan Yadav, in furtherance of which no incriminating material appears recovered/surfaced during the course of investigation as to connect petitioner with the crime in question. It is submitted that petitioner was not even put on TIP and the similarly situated co-accused person, namely, Md. Jibro @ Md. Bibra has already granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 33632 of 2023 vide order dated 24.06.2023. It is submitted that petitioner found involved in six more criminal cases, where he is on bail and in most of the cases his name surfaced on the basis of confessional statement as of the present case and these criminal antecedents are one of the reasons for false implication



with present case out of local police atrocities. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while appearing on behalf of the State opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as save and except suspicion arises out of confessional statement, where there is no any fire arm alleged to be recovered from petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Gopalpur P.S. Case No. 392 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Naugachia, Bhagalpur/



concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

archana/-

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

