

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76022 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- SALAKHUA District- Saharsa

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1. Ravindra Yadav Son of Mohit Yadav Village- Satver, Ward no. 03, Ps-Salkhua, Dist- Saharsa
 2. Bipin Yadav Son of Jagdish Yadav Village -Siswa, Ward No 08, Ps-Choutham, Dist- Khagariya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Adv.
For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Salkhua P.S. Case No. 155 of 2024 instituted for the offences under Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per prosecution case, the petitioners along with other accused persons deals in country-made pistols and cartridges and it is alleged that thirty live cartridges have been recovered from the accused persons. It is alleged that from the possession of the petitioner no.1, twenty live cartridges along with a mobile have been recovered whereas ten live cartridges along with one mobile have been recovered from the possession



of the petitioner no.2.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case merely on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners rather all the alleged incriminating article (arms and cartridges) were seized from the house of the co-accused Lalan Yadav. The petitioners have no concern with the seized articles. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioners have one criminal antecedent each and are languishing in judicial custody since 22.06.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

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

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 petitioners, let the petitioner, abovenamed, be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Salkhua P.S. Case No. 155 of 2024, subject to the following conditions;

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

(ii) The petitioners 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, their bail bonds shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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