

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75827 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- SALAKHUA District- Saharsa

Bhatar Yadav @ Moter Yadav @ Bhotar Yadav Son of Late Sahdeo Yadav
Resident of Village- Tengaraha, Ward No. 12, P.S.- Salkhua, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Salkhua
P.S. Case No. 43 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 along with two live cartridges
from the 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
merely on the basis of secret information and suspicion. The
petitioner was arrested on the spot. He further submits that



nothing incriminating has been recovered from the conscious possession of the petitioner and has also no concern with the seized fire-arms. The petitioner has altogether 7 criminal antecedents and, in all of them, he is on bail and is languishing in judicial custody since 11.02.2024 without any rhymes or reason. Charge-sheet has been submitted against the petitioner 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, stating that the offence alleged is serious in nature and, hence, he does not deserve bail.

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 Salkhua P.S. Case No. 43 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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