

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4246 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- KHAGARIA RAIL P.S. District- Khagaria

MUKESH YADAV, SON OF LATE PRABHU YADAV, RESIDENT OF
VILLAGE - BARBIGHI, WARD NO.08, P.S. - BALLIA, DISTRICT -
BEGUSARAI (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap, Advocate.

For the Opposite Party/s : Mrs.Asha Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-05-2024 Heard Mr. Chandan Kumar Kashyap, learned counsel
appearing on behalf of the petitioner and Mrs. Asha Kumari,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rail P.S. Khagaria Case No. 85 of 2023 registered for the
offence punishable under Sections 25(1-B)a and 26 (I) of the
Arms Act.

3. As per the allegation made in the F.I.R., one co-
accused Bipin Kumar was apprehended by the police with Arms
and ammunition, who disclosed the name of the petitioner as his
accomplice.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has



falsely been implicated in the case. The name of petitioner has surfaced in the case on the basis of confessional statement of co-accused Bipin Kumar in police custody, which has no evidentiary value in the eye of law. There is no recovery of any illegal arms and cartridges from the possession of the petitioner nor he was present at the place of occurrence. Petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the facts and circumstances of the case and the fact that the name of the petitioner has surfaced in the case on the basis of confessional statement of co-accused Bipin Kumar, in police custody, which has no evidentiary value in the eye of law, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Railway Magistrate, Khagaria in connection with Rail P.S. Khagaria Case No. 85 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The District Court is directed to verify the criminal



antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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