

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3725 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- BANKA District- Banka

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1. Mukesh Kumar Yadav @ Mukesh Yadav Son of Parmeshwar Yadav
Resident of Village- Kakwara, P.S.- Banka, District- Banka
 2. Parmeshwar Yadav Son of Madho Yadav Resident of Village- Kakwara,
P.S.- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Banka P.S. Case No. 318 of 2023 registered for the alleged offence under Sections 25(1-b)a, 26, 35 of the Arms Act.

03. As per prosecution case, the co-accused Rishi Kumar was apprehended by the informant and others and from the dickey of his motorcycle, a loaded country made *katta* was recovered. The apprehended person was shouting that he will teach lesson to the informant as he is enemy of petitioner no. 2. The petitioners were said to have fled away from the spot.



04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegations against the petitioners are quite vague and general and omnibus allegations have been levelled against all the accused persons. Nothing incriminating has been recovered from the person or possession of the petitioners. The recovery of firearm has been made from the dicky of the motorcycle of the co-accused and petitioners have nothing to do with the said motorcycle or the firearm. Learned counsel denies that the motorcycle belongs to these petitioners. Learned counsel further submits that petitioner-Parmeshwar Yadav is a Government servant. The petitioners are having criminal antecedent of two cases, in which they are on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that allegation against the petitioner appears to be vague and further considering the lack of substantive material against the petitioner to connect them with the offences as alleged and also considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be



released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 318 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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