

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5314 of 2025

Arising Out of PS. Case No.-947 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Vivek Yadubanshi @ Vivek Yaduvanshi @ Vivek Kumar @ Vivek Yadav, Son
of Janardan Yadav, Resident of Village - Shahpur, Ward No. 07, P.S.- Saharsa
Sadar, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Saharsa Sadar P.S. Case No. 947 of 2024 dated 09.09.2024,
instituted for the offence punishable under Sections 310(4),
310(5) of Bhartiya Nyaya Sanhita, 2023 and Section 25(1-B)(a),
26, 35 of the Arms Act.

3. The prosecution case, in short, is that on the alleged
date of occurrence after getting secret information, the
informant along with police personnel reached the place of
occurrence. On seeing the police party, seven accused persons
started fleeing away, but six accused persons including the
petitioner were apprehended and one accused person, namely,



Golu Kumar managed to escape away. It is alleged that in order to escape, the petitioner Vivek Yaduvanshi threw a pistol loaded with four live cartridges, which was recovered by the police team. It is also alleged that three motorcycles were also recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that six persons including the petitioner were arrested at the spot. Learned counsel for the petitioner submits that as per the F.I.R., said pistol was thrown by petitioner Vivek Yaduvanshi @ Vivek Kumar but there is no recovery from the conscious possession of the petitioner rather the said pistol was recovered from the road side. Three motorcycles were also recovered at the spot which do not belong to the petitioner. Lastly, it has been submitted that the petitioner is in custody since 10.09.2024 having three criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 947 of 2024, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be



at liberty to move for cancellation of bail.

V. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

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