

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3842 of 2025

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

1. Ashwani Kumar @ Ashwni Kumar @ Ashwini Kumar, Son of Lalan Yadav
Resident of Village - Bairwa, P.S. - Madhepura, District - Madhepura
2. Rajbabbar Kumar, Son of Kapleshwar Yadav, Resident of Village - Shahpur,
Ward No.7, 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. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioners seek 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 petitioners were apprehended and one accused person, namely, Golu Kumar



managed to escape away. It is alleged that in order to escape, co-accused 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 petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Learned counsel for the petitioners submits that six persons including the petitioners were arrested at the spot. During search, nothing has been recovered by the police party from the conscious possession of the petitioners. It is further submitted that one pistol with four live cartridges was recovered from the road side. Three motorcycles were also recovered at the spot which do not belong to the petitioners. Learned counsel for the petitioners submits that said pistol was thrown by co-accused Vivek Yaduvanshi @ Vivek Kumar. Lastly, it has been submitted that the petitioners are in custody since 10.09.2024 having one criminal case against each of them. Charge-sheet has been submitted in the case.

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

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



petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each 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. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their 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 petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



V. The petitioners 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)

premchand/-

U		T	
---	--	---	--

