

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3482 of 2025

Arising Out of PS. Case No.-634 Year-2024 Thana- AMARPUR District- Banka

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Yugal Yadav Son of Late Sevak Yadav Resident of Village- Bachhor, P.S.-
Amarpur (Fullidumar), Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard Mr. Dharendra Kumar, learned Advocate for the

petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Amarpur (Fullidumar) P.S. Case No. 634 of
2024 registered for the offences punishable under Sections 25(1-
b)a/26/35 of the Arms Act.

3. The police on receipt of secret information, raided
the house of the petitioner and in course of search, recovered
one loaded double barrel gun along with ten live cartridges
beneath the bed of the petitioner. It is also alleged that when the
police raided the house of the petitioner, the petitioner was
found sleeping with co-accused Roushan Kumar.



4. Learned Advocate for the petitioner contended that in fact the alleged recovery has been made from a joint family house of the petitioner, where several persons reside. The co-accused Roushan Kumar is non-else, but the nephew of the petitioner, which also suggests that it was a joint family house. It is further submitted that the entire search and seizure does not inspire confidence for the simple reason that the witnesses are non-else than the police personnel, which smacks malafide. The petitioner bears fair antecedent and now he has been incarcerated since 19.09.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that recovery of loaded double barrel gun along with ten live cartridges clearly suggests the involvement of the petitioner in the crime and he failed to explain from where he got this double barrel gun.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint family house, coupled with the fact that the petitioner bears fair antecedent, the investigation of the crime is complete and charge-sheet has been submitted, moreover the crime, in question, is triable by a



Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial magistrate-III, Banka in connection with Amarpur (Fullidumar) P.S. Case No. 634 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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