

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4990 of 2025

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

Roushan Kumar, Son of Kailash Yadav, Resident of Village- Bachhor, P.S.-
Amarpur (Fullidumar), Distt.- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dharendra Kumar, Advocate.
For the State : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Amarpur (Fullidumar) P.S. Case No.634 of 2024 dated
19.09.2024, registered for the offences punishable under
Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per allegation, one loaded double barrel gun
along with ten live cartridges was recovered from the joint
family house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the statutory provisions of search
and seizure has not been followed by the Police. There is no
independent witness to the seizure. Moreover, the place of



recovery belongs to joint family. He also submits that similarly situated co-accused Yugal Yadav has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 05.02.2025 passed in Cr. Misc. 3482 of 2025.

5. He further submits that the petitioner has been languishing in jail since 19.09.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IIIrd, Banka, in connection with Amarpur (Fullidumar) P.S. Case No. 634 of 2024 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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