

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9548 of 2025

Arising Out of PS. Case No.-628 Year-2024 Thana- AMARPUR District- Banka

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1. Pankaj Yadav S/o- Bishnudeo Yadav R/O Village- Manjhgay PS-Shambhuganj District -Banka
 2. Shankar Yadav S/o- Bishnudeo Yadav R/O Village- Manjhgay PS-Shambhuganj District -Banka
 3. Nirdosh Yadav S/o- Bishnudeo Yadav R/ O Village- Manjhgay PS-Shambhuganj District -Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with
Amarpur P.S. Case No. 628 of 2024, dated 13-09-2024,
instituted for offences punishable under Sections 25(1-b)a, 26
and 35 of the Arms Act.

3. One loaded pistol alleged to have been recovered
separately from the possession of petitioner No.1 Pankaj Yadav,
petitioner No. 2 Shankar Yadav, and petitioner No. 3 Nirdosh
Yadav.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in the present case. It is submitted that no incriminating articles were recovered from the conscious possession of the petitioners. It is further submitted that the seizure list does not bear the presence or signature of any independent witnesses, which is in violation of the mandatory provisions of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioners have been in judicial custody since 14.09.2024. Further submission is that while petitioner No. 1 has three prior criminal cases, petitioner No. 2 has five pending criminal cases, and petitioner No. 3 has three pending criminal cases against him, the charge sheet in the present matter has already been filed.

5. Learned Additional Public Prosecutor (APP) for the State has opposed the prayer for bail.

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 C.J.M. Banka, in connection with Amarpur P.S. Case No. 628 of 2024, subject to the following conditions:(i) that the petitioners shall cooperate 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) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they 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) that 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, and (v) that the petitioners will appear before the SHO of concerned PS every fortnightly to mark their attendance till framing of charge.

7. The application stands allowed.

(Khatim Reza, J)

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