

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10513 of 2025

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

Ajay Kumar @ Ajay Yadav, Son of Achhelal Yadav, Resident of Village-
Bariyahi, Ward No. 10/11, P.S.- Bangaon, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, 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 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 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 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 further submits that said pistol was thrown by co-accused Vivek Yaduvanshi @ Vivek Kumar. Nothing has been recovered 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 six criminal cases against him, in which he is on bail. It is further submitted that subsequent to his remand in the present case, the petitioner has been made accused in Saharsa P.S. Case No. 503 of 2024. 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 Additional Chief Judicial Magistrate 1st, 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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