

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17403 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- BRAHMPUR District- Buxar

Pappu Yadav S/O Munna Yadav R/O Village- Ahibaran Rai Ke Dera, P.O-
Dumraon, P.S- Krishna Brahm (Brahampur), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Adv.

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2025 The matter has been taken up on the motion made by the learned Advocate for the petitioner that there is marriage of the sister of the petitioner and the petitioner is the only brother. In support thereof, marriage card has been produced, which is kept on record.

2. Heard learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

3. The petitioner seeks grant of regular bail, who is in custody, in connection with Brahmpur P.S. Case No. 118 of 2024 registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

4. The police on a secret information conducted raid in the house of the petitioner and recovered one rifle of 315



bore, country made pistol and one live cartridge, however, noticing the police party, the petitioner succeeded in fleeing away.

5. Learned Advocate for the petitioner has drawn the attention of this Court to the seizure list and submitted that had the recovery been made from the house of the petitioner there would have been signature of any of the family members but surprisingly the seizure list witnesses are none else but the police personnels. In fact the alleged recovery has been made from the hut which is said to have been constructed nearby the house of the petitioner and only on suspicion, owing to the fact that the petitioner is facing four criminal prosecution, as has been disclosed in paragraph-3, the name of the petitioner has been implicated in this case. He next submitted that the subject offence is triable by the Magistrate and now investigation is complete and the charge sheet has been submitted.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of two arms and cartridge clearly suggests the involvement of the petitioner, apart from his criminal antecedent in four cases.

7. Regard being had to the submissions made on



behalf of the parties and considering the infirmities in the search and seizure, inasmuch as the investigation of the crime is complete and the charge sheet has been submitted; all the more offence is triable by the Magistrate, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahmpur P.S. Case No. 118 of 2024, subject to the condition that one of the bailors shall be the own/close family members 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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