

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26604 of 2025

Arising Out of PS. Case No.-22 Year-2013 Thana- NIMCHAKBATHANI District- Gaya

Vivek Kumar @ Vivek Yadav @ Swami Vivekanand S/o Rajendra Prasad
Yadav @ Rajendra Yadav R/o Village-Madhobigha Bathani, PS- Neemchak
Bathani, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Roona

For the Opposite Party/s : Ms. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner and
learned counsel for the State.

2. This is an application of the petitioner seeking his regular bail in connection with Neemchak Bathani P.S. Case No. 22 of 2013 registered for the offences under Sections 483, 484 of the Bharatiya Nyaya Sanhita and Sections 25(1-b)(A) and 26/35 of the Arms Act.

3. According to the case of prosecution, on the basis of information received from the informant one Neemchak Bathani P.S. Case No. 21 of 2013 has been registered for the offences under Sections 341, 342, 323, 325, 307/34 of the Indian Penal Code on 26.02.2013 and subsequently, injured of the case has been died. Therefore, offence under Section 302 of



the Indian Penal Code was also added. During course of investigation of that case, on the date of incident i.e. 27.02.2013, when the house of named accused persons was searched by the investigating officer allegedly from the house huge quantity of misfired and live cartridges as well as one country made pistol and several other articles were seized. Therefore, a separate offence under Section 25(1-b)/A/26/35 of the Arms Act has been registered against the present applicant as well as co-accused Ranjit Yadav.

4. It is submitted by the learned counsel for the petitioner that the applicant is innocent and has falsely been implicated in this case. At the time of alleged recovery, he was not present in house, therefore, it cannot be said that the recovered articles were in his conscious possession. There is also no evidence collected by the prosecution, which shows that the applicant was the owner of the house in question from where the alleged articles were seized. Lastly, she submits that the petitioner is in custody since 20.11.2024. Therefore, on these grounds, it is prayed that the petitioner may be granted benefit of bail.

5. Learned counsel for the State opposes the arguments raised by the counsel for the petitioner.



6. Considering the submissions made by the counsel for the petitioner and particularly taking into consideration the materials available on record, I am of the view that it is a case where the petitioner should be granted benefit of bail.

7. Accordingly, the application is allowed.

8. The petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of J.M. 1st Class, Gaya in connection with Neemchak Bathani P.S. Case No. 22 of 2013.

(Arvind Singh Chandel , J)

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