

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27809 of 2025

Arising Out of PS. Case No.-330 Year-2024 Thana- AANDAR District- Siwan

Rakesh Yadav @ Rohit Yadav @ Rohit S/O Faujdar Yadav R/O Vill.-
Belwasa, P.S. - Hussainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, .A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 25(1-B)(a) and 26 of
Arms Act.

3. The prosecution story in brief is that on 05.12.2024
at 17:00 hours, the informant along with two Home Guards
Jawans, proceeded in raid. It has been alleged that while police
party reached near Belwasa Main road then they found one
motorcycle lying in fallen condition and one pistol was also
found near the motorcycle along with five cartridges. The said
motorcycle and Arms was seized. On enquiry about recovered
articles no trace was found.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in the present case, it is next submitted that petitioner has antecedent of two cases. Learned counsel for the petitioner further submits that petitioner is not named in the FIR and no arms has been recovered from the conscious possession of the petitioner. It is also submitted that the motorcycle belonged to the petitioner but the petitioner has no concern with arms loaded on it.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the fact that a motorcycle was found lying on the road and around the motorcycle a magazine of pistol of five live cartridges were recovered. Initially, the petitioner was not named as an accused in the FIR but later on he was made an accused because he happens to be the owner of the motorcycle which was lying at the road. Further, nothing was recovered from the conscious possession of the petitioner. The petitioner has two criminal antecedents one under the Excise Act and the other for alleged offences under Section 394 of IPC and Section 27 of Arms Act and in these cases, the learned counsel for the petitioner contends that petitioner is on bail. Under these circumstances, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.



7. Accordingly, the petitioner in the event of his arrest or surrender within four weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Court of learned Additional Sessions Judge-I-cum-Special Judge, Siwan, in connection with Andar P.S. Case No. 330 of 2024, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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