

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34040 of 2025

Arising Out of PS. Case No.-572 Year-2024 Thana- AMARPUR District- Banka

Rakesh Kumar @ Rakesh Yadav S/o Late Umesh Yadav R/o Village-
Vidhanchak, P.S.- Amarpur, 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. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Amarpur P.S. Case No. 572 of 2024, registered for the offences
punishable under Sections 25(1-B)a, 26 and 35 of Arms Act.
Petitioner has two criminal antecedents.

3. As per the prosecution case, on secret information,
the police nabbed a person riding on a motorcycle, however, two
miscreants managed to escape. On search, a loaded country-
made *katta* was recovered from the possession of the
apprehended person, namely, Rakesh Kumar @ Rakesh Yadav
(petitioner).

4. The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this



case. He further submits that no such recovery as alleged in FIR has been made from the conscious possession of the petitioner. The learned counsel further submits that though the petitioner has two criminal cases against his name, but of different offences. The learned counsel lastly submits that petitioner is in custody since 23.08.2024.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the petitioner was apprehended with a loaded country-made pistol.

6. Considering the aforesaid submissions made by the parties and taking into account the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let 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 the court of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 572 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in



Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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