

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34358 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- CIVIL LINE District- Gaya

Sajan Yadav @ Rahul Kumar Yadav @ Rahul Kumar S/o- Late Soharai Yadav
Village- Kandi Nawada, PS-Chandauti, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Civil Line P.S. Case No.112 of 2025 lodged on 16.03.2025 under Sections 317(5) of the BNS read with Section 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution, the FIR has been lodged against 2 named accused persons including the petitioner with allegation that they have kept one pistol and 5 live cartridges and upon information, they thrown all cartridges and fled away.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further



submits that from the content of FIR itself, it becomes crystal clear that nothing has been recovered from the petitioner's possession rather upon disclosure of the co-accused persons, from whose possession, arms has been recovered. Therefore, no offence under Arms Act is made out against the petitioner. He further submits that for the applicability of offence under Arms Act, the recovery of arms should be made from conscious possession which is basic ingredient.

5. Learned Counsel further submits that petitioner is in custody since 24.03.2025 having 6 criminal antecedent and due to this reason, his name has been dragged in this case.

6. Learned counsel for the State opposes the prayer for bail and submits that the petitioner's antecedent is not clean.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, on being satisfied by the trial court that the petitioner is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of A.C.J.M.-V, Gaya in connection with Civil Line P.S. Case No.112 of 2025, subject to the following conditions as



laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. The details of the cases which are pending against the petitioner are as follows:-

- i. Chandauti P.S. Case No.97 of 2019.
- ii. Rampur P.S. Case No.205 of 2021.
- iii. Kotwali P.S. Case No.270 of 2022.
- iv. Rampur P.S. Case no.109 of 2019.
- v. Kotwali P.S. Case no.510 of 2022.
- vi. Kotwali P.S. Case no.94 of 2024.

(Dr. Anshuman, J.)

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