

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51331 of 2025

Arising Out of PS. Case No.-726 Year-2023 Thana- Mufassil District- Khagaria

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Babu Ram Yadav S/o Jichho Yadav R/o Village_ Badi Kothiya, P.S.- Muffasil,
Distt_ Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Khagaria Muffasil P.S. Case No. 726 of 2023 registered for the alleged offences under Section 401 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, police received information about a person receiving gun shot injury and reaching the spot, police came to know about assembly of co-accused persons in the house of co-accused Gobardhan Yadav. A raid was conducted and co-accused Murari Yadav was apprehended while trying to flee away from the spot and from his possession, recovery of two live cartridges were made. On



search of the house, recovery of two country made katta and four live cartridges kept in a drum were made from the house of co-accused Gobardhan Yadav and it was disclosed by co-accused Sita Devi, wife of co-accused Gobardhan Yadav, that one of the katta belonged to this petitioner, who fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the possession or person of the petitioner, who was not apprehended from the spot. The petitioner has nothing to do with the recovered firearm and ammunition. The petitioner is in custody since 01.11.2023 and charge sheet has been submitted. Learned counsel further submits that though the petitioner is having criminal antecedent of 11 cases, he has been acquitted in 5 such cases and in 6 cases he is on bail. Learned counsel further submits that co-accused persons have been granted bail by different Co-ordinate Benches vide orders dated 30.11.2023, 18.01.2024, 05.02.2024 and 05.07.2024 passed in Cr. Misc. Nos. 75858 of 2023, 1942 of 2024, 4398 of 2024 and 38676 of 2024, respectively.

5. Learned APP opposes the submission made on



behalf of the petitioner. Learned APP submits that the petitioner appears to be a habitual offender.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned Court in connection with Khagaria Muffasil P.S. Case No. 726 of 2023, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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