

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69054 of 2025**

Arising Out of PS. Case No.-264 Year-2025 Thana- BUDDHACOLONY District- Patna

Prakash Yadav @ Prakash Kumar @ Chumban, S/o Late Parmeshwar Yadav  
R/o - Dujra Main Road, Rajendra Ghat, P.S - Budha Colony, District - Patna,  
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Kaushik, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      24-09-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Buddha Colony P.S. Case No. 264 of 2025 dated 02.07.2025  
instituted for the offence punishable under Sections 25(1-b)a,  
26, 35 of the Arms Act.

3. The prosecution case, in short, is that on the alleged  
date of occurrence, on getting information regarding assemblage  
of some miscreants, the police raided the place but all the  
accused persons succeeded in fleeing away after throwing the  
arms. One of the person, namely, Shivam Kumar who was  
present there, disclosed that he had quarrel with one Shubham  
Kumar and all the accused persons had assembled there with the



fire arms to kill him. On search, the police recovered one pistol and three live cartridges lying at the back of the community hall.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that nothing has been recovered either from the conscious possession of the petitioner or from his house. The said pistol was recovered from the field situated in front of Community Hall, Buddha Colony. The petitioner and other accused persons have been made accused in this case only on the basis of statement made by one Shivam Kumar. It is further submitted that co-accused Deepak Kumar @ Deepak Yadav has been granted anticipatory bail vide order dated 10.09.2025 passed by co-ordinate Bench of this Court in Criminal Miscellaneous No.61519 of 2025. Lastly, it has been submitted that petitioner has one criminal case against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Buddha Colony P.S. Case No. 264 of 2025, he will be released on bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Patna subject to condition as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at



liberty to move for cancellation of bail.

(Khatim Reza, J)

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