

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81773 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- MAHESHKHUNT District- Khagaria

1. Rakesh Kumar Yadav S/o Late Siyaram Yadav R/o vill - Kaap, P.S.- Mohanpur, P.O.- Balia, Distt.- Purnia, Bihar
2. Gulshan Kumar S/o Mithlesh Yadav @ Mithilesh singh R/o vill - Kaap, P.S.- Mohanpur, P.O.- Balia, Distt.- Purnia, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Mohan, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-12-2025 Heard Mr. Madhukar Mohan, learned counsel for the
petitioners and the State.

2. The petitioners are in custody in connection with Maheshkhunt P.S. Case No. 130 of 2025 for the offence punishable under Sections 25(1-AA), 26 and 35 of the Arms Act lodged on 09.08.2025 by the informant, Mithilesh Kumar.

3. As per the prosecution story, the informant alleged that that during patrolling at Maheshkhunt Chowk, from the car driven by these petitioners, there is recovery/seizure of two country made 9 mm pistols alongwith four magazines and cartridges. This led to the FIR.

4. Learned counsel for the petitioners submit that due



to political rivalry, they have been implicated with the support of the Police, have no criminal antecedent, remained in custody since 10.08.2025 and charge-sheet has been submitted. The last submission is that if granted bail, they shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that there is recovery from the car which was being driven by them.

6. Taking into account the submission of the parties as also the period of custody, coupled with the fact that they have no criminal antecedent, charge-sheet has been submitted and an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Khagaria in connection with Maheshkhunt P.S. Case No. 130 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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