

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.191 of 2025

Arising Out of PS. Case No.-578 Year-2023 Thana- RAJAON District- Banka

Mithilesh Yadav @ Mithlesh Kumar Yadav @ Mithlesh Yadav S/O Panchu
Yadav @ Panchanand Yadav Resident of Village- Rampur, P.S- Rajoun,
Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Rajoun P.S. Case No. 578 of 2023, registered under Sections
25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, there is
recovery of one loaded country made pistol along with one live
cartridge from the possession of co-accused, namely, Bugga
Yadav.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel for the petitioner also submits that
the petitioner is not named in the FIR. Name of the petitioner



has transpired on the basis of confessional statement of co-accused, namely, Bugga Yadav and the same has got no evidentiary value. It is next submitted that the petitioner has got non concern with the alleged recovery of arms. The petitioner has got four criminal antecedents in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is further submitted that the petitioner has got four criminal antecedents in which one case is of Arms Act. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, nature and criminal antecedent, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is rejected. However, the petitioner is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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