

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2966 of 2026

Arising Out of PS. Case No.-197 Year-2025 Thana- MADHEPUR District- Madhubani

Daya Kant @ Tantu Yadav, Male, aged about 35 years, Son of Lata Raghu Nandan Yadav, Resident of village- Birpur, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Madhepur P.S. Case No. 197 of 2025 instituted for the offences punishable under Sections 25(1-B)A, 26 and 35 of the Arms Act.

3. As per the prosecution case, one country made pistol and two live cartridges have been recovered from the conscious possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that country made pistol and two live cartridges have not been recovered from the conscious possession of the petitioner but the



recovery is from the petitioner's house. He next submits that several persons live in the house and the house is a joint house. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 29.10.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the FIR, seizure list and the impugned order dated 08.12.2025 passed by the learned District and Additional Sessions Judge-III, Jhanjharpur, Madhubani, it appears that allegation against this petitioner is specific that one country made pistol and two cartridges have been recovered from the conscious possession of the petitioner. From perusal of the records, it appears that on the basis of written report of the informant, FIR has been registered under Sections 25(1-B)A, 26 and 35 of the Arms Act against the present petitioner and the allegation of one country made pistol and two live cartridges have been recovered from the house of the petitioner and the petitioner was present there. Petitioner is FIR named accused, so considering all these aspects of the case, gravity of serious offence and the allegation levelled against him, I am not inclined to grant bail to the petitioner at this stage.

7. Prayer for regular bail of the petitioner is hereby



rejected.

8. However, the petitioner may renew his prayer for bail before the trial Court after completion of seven months in custody.

(Ramesh Chand Malviya, J)

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