

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37125 of 2026

Arising Out of PS. Case No.-13 Year-2026 Thana- Madhusudanpur District- Bhagalpur

Kundan Yadav Son of Late Suraj Yadav Resident of Mohalla - Maheshpur,
Madhav Asthan, P.S. - Babarganj, District - Bhagalpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakritita Sharma, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 15-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 25(1-b)a, 26, 35 and 27 of the Arms Act.

3. The case of the prosecution, in short, is that the informant deals in real estate. While he was having tea at the shop of Bittu Tea seller. Meanwhile, three boys arrived there. They were identified as Mukesh Pal, Ashish Kumar and one unknown. It is alleged that they have started firing and informant has received one gun shot injury in his stomach.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this



case. Learned counsel for the petitioner has submitted that from perusal of the F.I.R. it is clear that the allegation of filing is not against the petitioner. It has further been submitted that the petitioner has been framed in this case as he is also doing the business of real estate and there is rivalry between the parties. It has further been submitted that from perusal of the order of learned trial Court it will transpire that learned trial Court has recorded that during course of investigation, co-accused Shishu Yadav has given his confessional statement and in confessional statement he has stated that the petitioner has arranged the shooters. Learned counsel for the petitioner has submitted that the story of arranging the shooters is based on confessional statement of co-accused who is not named in the F.I.R. It has further been submitted that there is no allegation against the petitioner of any overt act. Petitioner is languishing in judicial custody since 28.03.2026.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the application for bail. Learned counsel for the informant has submitted that petitioner is having criminal antecedent of 14 cases, however he has disclosed only 8 cases in para '3' of the bail petition.



6. Countering this, learned counsel for the petitioner has submitted that the informant was present in the learned trial Court also where the petitioner has also disclosed that he is having criminal antecedent of 8 cases.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court of A.C.J.M.-VIII, Bhagalpur/concerned Court in connection with Madhusudanpur P.S. Case No. 13 of 2026 **with a condition that while accepting the bail bonds of the petitioner, the learned trial court shall verify the criminal antecedent of the petitioner, if he is having criminal antecedent of more than 8 cases, his bail bond should not be accepted.**

(Ashok Kumar Pandey, J)

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