

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86781 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- BARABAR TOURIST District- Jehanabad

Ganesh Yadav Son of Late Naresh Yadav Resident of Village - Ghasi Bigha,
P.S.- Belaganj, District - Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate
For the State : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-01-2026 Heard Mr. Umesh Kumar, learned counsel for the
Petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. Petitioner seeks regular bail in connection with
Barabar (Vishunganj) Tourism P.S. Case No. 95 of 2025 dated
24.08.2025 registered for the offences punishable under Sections
310(4), 310(5) and 317(5) of the Bharatiya Nyaya Sanhita, 2023
and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The main submissions advanced by the petitioner's
counsel are that a loaded pistol, one live cartridge, and one
submersible water motor have been shown by the police as
being recovered from the possession of the petitioner on
23.08.2025 at approx 11:00 p.m., but in the seizure memo
attached to the FIR, the said articles have been shown as being



recovered on 24.08.2025 at 6:05 a.m. and the said contradiction with regard to the time of recovery is sufficient to render the prosecution allegation levelled against the petitioner highly suspicious. Though against the petitioner there are criminal antecedents of three cases but they relate to the year 2017 and, in all three cases he is on bail. It is lastly submitted that the petitioner has been languishing in jail since 25.08.2025, and against him, the investigation has been completed.

4. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that there is a serious allegation against the petitioner, and firearms were recovered from his possession, though he fairly accepts the discrepancy in the timing of the recovery mentioned in the FIR and the seizure memo.

5. In the facts and circumstances of this case, and considering the aforesaid submissions and the averments made in this application, mainly coupled with the petitioner's aforesaid defence regarding the contradiction between the FIR and the seizure memo with respect to the timing of the recovery, and also taking into account the petitioner's custody period and the completion of the investigation against him, this Court is inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.



20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Barabar (Vishunganj) Tourism P.S. Case No. 95 of 2025.

(Shailendra Singh, J)

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