

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91317 of 2025

Arising Out of PS. Case No.-519 Year-2025 Thana- MAHARAJGANJ District- Siwan

Sachin Kumar Yadav @ Sachin Kumar S/O Keshonarayan Yadav Resident of
Village - Mahuari, P.S- Maharajganj, Dist.- Siwan.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Dhananjay Kumar Shahi, Advocate.
For the State : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 15-01-2026 1.By means of this bail application, petitioner, who is involved in connection with Maharajganj PS case no. 519 of 2025 registered for the offences under Sections 25(1-B) (a), 26 and 35 of the Arms Act, 1959, seeks enlargement on bail during the pendency of trial.

2.Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3.It is argued by learned counsel for the petitioner that petitioner is innocent and he has been falsely implicated in this case due to ulterior motive. It is further submitted that as per the prosecution case on the basis of secret information, police apprehended the petitioner and shown recovery of one country made pistol, two live cartridges and one Android phone from his possession. Much emphasis has been given by contending that



alleged recovery has been planted by the police. There is no independent public witness of the recovery and even mandatory provisions of Section 105 of BNSS 2023 with regard to recording of search and seizure through Audio-Video Electronic Means have not been complied with. The petitioner, has criminal history of one case in which he is on bail. Averments in this regard have been mentioned in paragraph no.3 of the bail application. Several other submissions in order to demonstrate the falsity of the allegations made against the petitioner have also been placed forth before the Court. Lastly, it is submitted that petitioner is languishing in jail since 24.10.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

4.Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R. but she does not dispute the averment made in bail application and the submission made at the bar on behalf of the petitioner.

5.Having heard the submissions of learned counsel for the parties and perused the record, I find that seizure memo does not indicate the compliance of Section 105 of the BNSS. The investigation has been completed and charge-sheet has been



submitted against the petitioner. Now there is no possibility of tampering with the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial of the petitioner in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

6. In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties made at the bar and reasons as noted above, this Court is of the opinion that the petitioner is liable to be released on bail.

7. Accordingly, the bail application of the petitioner stands allowed.

8. Let the petitioner, namely, Sachin Kumar Yadav @ Sachin Kumar, be released on bail in the aforesaid case on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:-



(i) That the petitioner shall cooperate with the expeditious disposal of the trial and shall regularly attend the Court unless inevitable. Two consecutive default in putting appearance shall lead to an action towards cancellation of the bail bond of the petitioner.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) That the petitioner shall not directly or indirectly involve in any criminal activity after being released on bail.

(iv) In case, at any stage it is found that the petitioner has disclosed his incomplete criminal history before this Court, learned Court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, learned Court below shall cancel the bail bonds of the petitioner.

9.It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will



in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

10.The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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