

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91255 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- RUPAULI District- Purnia

Raja Yadav S/o- Harinandan Yadav @ Budhan Yadav Vill- Shyam, Ward no-10, P.S- Gawalpara, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kumari Pallavi
		Mr. Manoj Kumar Pandey
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary

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 Rupauli P.S. Case No. 72 of 2025 registered for the offences under Sections 25(1-b)/a, 26,35 of the Arms Act 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. Brief facts of the case which are required to be stated are that on the basis of self statement of informant Abhishekh Kumar, S.H.O., Rupauli Police Station, this case was registered stating *inter alia* that on 26.04.2025 at about 05:30 a.m., he along with other members of police patrolling team have moved out for implementing a crime control drive. During vehicle checking drive, they saw that two persons coming on



motorcycle from Mohanpur towards Rupauli but on giving signal to stop, they started escaping. The police team chased and apprehended one of them whereas another escaped away. The person apprehend has disclosed his name as Raja Yadav (petitioner) and on his personal search, a country made pistol and live cartridges were recovered. On being interrogated, Raja Yadav (petitioner) has disclosed the name of his accomplice as Ganesh Rishideo @ Dhatal @ Baba ji and also disclosed that they were planning to commit loot of maize.

4. 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 argued that there is no independent public witness of recovery of pistol and live cartridges shown by the police from the possession of the petitioner. Much emphasis have been given by contending that mandatory provisions of Section 105 of the BNSS have not been complied with by the police which provides the recording of search and seizure through audio-video electronic means. The said procedure has not been done in the present case. Learned counsel for the petitioner next submits that the petitioner has been earlier falsely implicated in 14 cases by the police and on the basis of said cases, bail application of the petitioner has been



rejected. In this regard, it is pointed out that out of 14 cases, in 8 cases, petitioner is on bail. Averments in this regard have been mentioned in paragraph no. 3 of the bail application. It is also submitted that in the light of judgment of the Hon'ble Apex Court in the case of *Prabhakar Tewari Vs. State of U.P. reported in (2020) 11 SCC 648*, bail of the accused cannot be rejected in such matters on the ground of his criminal history. 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 26.04.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. On the other hand, learned Additional Public Prosecutor for the State opposed the prayer for bail of the applicant reiterating the prosecution case as mentioned in F.I.R. by contending that since petitioner has criminal history of 14 cases, therefore his bail application is liable to be rejected but he could not dispute that the mandatory provisions of Section 105 of the BNSS, 2023 has not been complied.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that maximum



sentence for the alleged offence is up to 7 years. 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.

7. 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.

8. Accordingly, the bail application of the petitioner stands **allowed**.

9. Let the petitioner namely, Raja Yadav 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.



10. 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.

11. 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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