

COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- IIIrd, SAHARSA
Present- Chandan Kumar

Regular Bail Application No.-229/2026

Arising out of Basnahi P.S. case no.- 255/2024

Gunsagar Yadav

Petitioner

Versus

State of Bihar

Opp. Party

Date of order or proceeding	Order with signature of the court	Office action taken with date
23.04.2026	1. The present regular bail petition has been filed on behalf of accused petitioner Gunsagar Yadav who is in custody since 22-01-2026 in connection with Basnahi P.S. Case No. 255 of 2024 registered for the offences punishable U/Ss 25(1-B)a, 26, 35 of Arms Act. The record has been put up for hearing. 2. Heard Sri Raj Kumar, learned counsel for the petitioner as well as the learned A.P.P. Sadanand Yadav for the State. 3. The Case of the prosecution as per FIR in brief is that on 29.12.2024, the informant and other police personnel proceeded for duty on evening patrolling and raid, and in said course of patrolling, one youth having seen the police tried to escape. Further on suspicion the said youth was chased and apprehended with the help of accompanying forces who on being asked disclosed his name as Sargam Kumar Jha. Further from the possession of the said Sargam Jha a country-made pistol has been recovered from his possession about which he disclosed that the same has been provided to him by one Gunsagar Yadav (petitioner). 4. Learned counsel for petitioner submitted that	

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Contd. 23.04.2026	petitioner is innocent and has falsely been implicated in this case. He further submits that earlier pre arrest bail application vide ABA No.-593 of 2025 was filed and the same was rejected from the court of Additional Sessions Judge-III, Saharsa vide order dated 08.09.2025 and also the prayer for regular bail of the petitioner has been rejected vide order dated 09.03.2026 passed in RBA No.-99 of 2026. However the liberty was given to the petitioner to renew his prayer for bail after submission of final report. He further submits that petitioner is although having criminal antecedents but so far as present case is concern the only material against the petitioner is the alleged statement of the co-accused made before the police and further submitted that although petitioner is presently having criminal antecedents of eleven cases but the same could not be the sole ground prayer for rejection for bail. Further he submitted that petitioner has not been arrested on the spot nor any incriminating article has been recovered from his possession. 5. Learned APP opposed the prayer for bail. However he conceded that investigation with respect to present petitioner is now complete. 6. Perused the record. In this case the prayer for regular bail of the petitioner has earlier been rejected at the stage of investigation vide order dated 09.03.2026 passed in RBA No.-99 of 2026. However the liberty was given to the petitioner to	
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23.04.2026	renew his prayer for bail after submission of final report. In this case specific allegation against the present petitioner is that the country-made pistol recovered from the possession of co-accused Sargam Jha on the spot was provided to him by the present petitioner Gunsagar Yadav. Further on perusal of the record it appears that the petitioner is named in the FIR, however, the name of petitioner came in picture only on the basis of statement of co-accused made before the police and now even after completion of investigation the material against the petitioner even after completion of investigation is the statement before the co-accused before the police, which is having having no legal value. Further the petitioner has neither been arrested on the spot nor any incriminating article has been recovered from his possession. Further the investigation is complete and the charge-sheet has now been submitted vide charge-sheet no.-39 of 2026. Further the court finds force in the argument of learned counsel for the defence that antecedent alone should not be the ground for rejection for prayer of bail. Further it appears that the case of the present petitioner has now been completed. Furthermore co-accused Sargam Jha from whose possession the alleged country-made pistol was recovered has already been granted regular bail vide order dated 04.06.2025 passed in RBA No.-445 of 2025. Beside it the accused is in custody since 22.01.2026	
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contd. 23.04.2026	6. Considering the facts and circumstances and also taking into consideration the period of custody, I am inclined to enlarge the petitioner namely Gunsagar Yadav on his furnishing bail bond of Rs. 10000/- with two sureties out of whom one must be close relative and also to furnish undertaking to adhere the conditions mentioned in Sub-section 3 of section 480 of the BNSS, to the satisfaction of the Trial Court. (Dictated & corrected by me) Sd/- (Chandan Kumar) District & Addl. Sessions Judge III	