

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15911 of 2016

Arising Out of PS.Case No. -365 Year- 2015 Thana -KHIJARSARAI District- GAYA

1. Ravindra Yadav Son of Late Kailaspati Yadav Resident of Village - Ramanbigha, P.S. - Khizersarai, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is languishing in jail custody since 27.12.2015 in a case registered for offences punishable under Sections 216(A), 120(B) of the I.P.C. and 25 (1-b)a, 26 and 35 of the Arms Act.

The prosecution case as lodged by the informant is that on 27.07.2015 at about 5 P.M. he got telephonic information that some criminals has opened fire due to which there is terror among the villagers of village- Raman Bigha and lodged sanha and constituted a raiding party and reached at village -Raman Bigha where the villagers informed that criminals were present in the house of one Rabindra Yadav. Upon getting the information



police surrounded the house of one Rabindra Yadav and in presence of two witnesses namely, Rambachan Prasad and Mithilesh Prasad raid was conducted in the house of Rabindra Yadav, where four persons identified as Rabindra Yadav, petitioner, Pankaj Singh, Ram Bhawan Kumar and Dinesh Yadav were found sitting in front room of the house and after search, a country made pistol was recovered from his house and petitioner, Rabindra Yadav told that the seized pistol belongs to Pankaj Singh but Pankaj Singh did not produce any document.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated due to village political rivalry and has not committed any offence. He further submits that the petitioner has no criminal antecedent, as is evident from para-3 of this application and a pistol was recovered from his house, which did not belong to him.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and hence, opposes the prayer for bail.

Considering the period of custody of the petitioner and no overt act has been alleged against the petitioner neither the said pistol was recovered from the physical possession of the petitioner, the above named petitioner is directed to be released on

bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Khizersarai P.S.Case No. 365/2015.

(Nilu Agrawal, J)

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