

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4647 of 2017

Arising Out of PS.Case No. -155 Year- 2016 Thana -MADANPURA District- AURANGABAD

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Anup Yadav, S/o Late Deep Narayan Yadav, Resident of Village- Ram
Chandra Bigha, P.S.- Madanpur, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate

For the Opposite Party : Mr. Mithilesh Kumar Khare (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 17-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Madanpur P.S. Case No. 155 of 2016, registered for the
offences punishable under Sections 25(1-B)a/26/35 of the Arms
Act and Section 17 of C.L.A. Act.

Allegedly, acting on a tip off raid was conducted at
Village Rajabigha, where co-accused Ram Pravesh Yadav @
Damkal Ji and Bishundeo Mistry @ Sanni Ji along with their
associates were staying and seeing the police party the miscreants
started fleeing away and out of them Ram Pravesh Yadav @
Damkal Ji and Bishundeo Mistry @ Sanni Ji were apprehended
and from their possession arms and ammunition, mobile etc. were
recovered and Ram Pravesh Yadav stated the name of the
petitioner that he had succeeded in fleeing away.

Submission is of false implication and that besides



confessional statement of co-accused there is no other material against the petitioner, other witnesses are hearsay. The petitioner is himself victim of the Maoists, as Maoists has attacked on the house of the petitioner on 13/14.04.1995, set his house on fire and murdered his father and others and due to that Ram Pravesh Yadav has taken the name of the petitioner to implicate the petitioner falsely.

The learned A.P.P. submits that name of the petitioner was taken by co-accused.

In the facts and circumstances as stated above, considering that on the basis of confessional statement of co-accused, the name of the petitioner has come and, as such, considering his statement, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Madanpur P.S. Case No. 155 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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