

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21753 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -SAHODARA District-
WESTCHAMPARAN(BETTIAH)

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1. Suresh Yadav, Son of Bedar Yadav,
2. Shiv Yadav, Son of Bedar Yadav,
Both residents of Village- Bairiya, P.S.- Sahodara, District- West
Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 12-07-2017 At the very outset, Sri Umesh Chandra Verma, learned

counsel for the petitioners, in presence of Sri Abhay Kumar Roy,

learned Additional Public Prosecutor submits that during

pendency of this petition, petitioner no. 1 has already been

arrested. Accordingly, the petition so far petitioner no. 1 is

concerned has become infructuous and it stands dismissed as same

has become infructuous so far petitioner no. 1 is concerned.

Heard Sri Umesh Chandra Verma, learned counsel for
the petitioner and learned Additional Public Prosecutor.

The petitioner no. 2 /Shiv Yadav has prayed for grant
of bail in the event of his arrest or surrender in Sahodara P.S.
Case No. 17 of 2017 registered for the offence under section 25



1B (A), 26/ 35 of the Arms Act, 1959.

It was submitted by learned counsel for the petitioner that on the date when seizure list was prepared regarding recovery of one loaded country made DBBL gun the petitioner had appeared in a proceeding before the court in Excise Case , and as such, according to him it was a case of false implication whereas, learned Additional Public Prosecutor opposing the prayer submits that the petitioner is one of the named accused persons and while police party arrived the petitioner along with his brother was seen fleeing away from his house and on search from his house illegal arm with ammunition was recovered from the house of the petitioner. Regarding plea of appearance of petitioner in a case, it was submitted by learned Additional Public Prosecutor that only on the ground that there was attendance in an another proceeding, it cannot be consistently said that petitioner was not seen at the time of occurrence. Moreover, he submits that during appearance the accused is being represented by a counsel and thereafter appearance can be recorded.

Considering the fact that petitioner is named in the F.I.R. as well as statement made in paragraph no. 3 of the petition, which shows that petitioner was accused in one another



case, there is no reason to extend the privilege of anticipatory bail.
The petition stands dismissed.

(Rakesh Kumar, J)

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