

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45927 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -BHANGWANPUR HAT District- SIWAN

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1. Amit Kumar Yadav @ Amit Yadav S/o Sri Dukhi Yadav@ Dukhi Ravat
R/o Village- Tarwar, P.O. Bherwaniya, Tarwan, P.S. Bhagwanpur Hat,
Distt. Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary

For the Opposite Party/s : Smt. Anusuiya Jaiswal

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 30-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 272, 273, 308, 420, 399 and 402 of the Indian Penal Code and Sections 30 (a) & 41(1) of the Bihar Prohibition and Excise Act, 2016.

One loaded country made pistol is said to have been recovered from the possession of co-accused, namely, Imamuddin and 3.750 liters of foreign liquor is said to have been recovered from the place of occurrence while other accused persons managed to escape on the motorcycle and apprehended accused disclosed the name of the petitioner.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery. He was not apprehended on the spot. He has been falsely implicated in this case by the apprehended accused due to animosity. There is nothing on record to indicate the complicity of the petitioner in the occurrence barring the confessional statement of the apprehended accused which has no evidentiary value in the eye of law. The apprehended accused, namely, Immamuddin has been enlarged on bail by a co-ordinate Bench of this Court in Cr. Misc. No.39038 of 2018 vide order dated 09.07.2018. He has no criminal antecedent and has been languishing in custody since 05.10.2017.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District JudgeII-cum-Special Judge Excise Act, Siwan in connection with Bhagwanpur Hat P.S. Case No. 90 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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