

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67930 of 2018

Arising Out of PS. Case No.-434 Year-2018 Thana- KAHALGAON District- Bhagalpur

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1. Gadar Yadav @ Gadar Kumar @ Manoranjan Yadav, Son of Chhathu Yadav,
 2. Nirmal @ Birbal, Son of Mataw Yadav, Both resident of Village- Ramjanipur, P.S.- Shiv Narayanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018

Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 216A, 399, 402 and 411 of the IPC and Sections 25(1-B), 26 and 35 of the Arms Act.

The prosecution case as per the written report of Mukesh Kumar submitted to the SHO, Shivnarayanpur Police Station is to the effect that on 1.7.2017 at 7 P.M. upon receiving a secret information about the criminals conspiring to commit a Highway robbery, the informant raided the orchard near the hotel where two persons were caught on chase. On interrogation, they disclosed their names as Dharmendra Kumar and Shravan Yadav. Two mobile phones were recovered from co-accused



Dharmendra Kumar. The person who fled away leaving pistol was identified as Umesh Yadav by the apprehended co-accused and Shravan Yadav disclosed the name of the petitioners as his associates.

It is submitted by learned counsel for the petitioners that the petitioners were not apprehended on the spot. There is no recovery from the petitioners. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, however, name of the petitioners sprang up during investigation in the confessional statement of co-accused in Shivnarayanpur P.S. Case No. 429 of 2018.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that names of the petitioners sprang up during investigation and there is no recovery from them, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur in connection with Kahalgaon (Shiv Narayanpur) P.S. Case No.434 of



2018 subject to the conditions laid down in Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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