

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.21356 of 2018**

Arising Out of PS.Case No. -447 Year- 2016 Thana -  
FATUHA District- PATNA

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Bholu Yadav son of Suresh Rai Resident of Village - Jajak  
Toli, Police Station - Chowk, District - Patna.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Kishun Prasad

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2     26-04-2018             The petitioner seeks bail in anticipation of his arrest in connection with Fatuha P.S. Case No. 447 of 2016 dated 21.11.2016 instituted for the offences under Sections 399, 402 of the Indian Penal Code and Section 25(1-B) a, 26, 35 of the Arms Act.

Six persons with two motorcycles who were standing in suspicious circumstance were spotted by the Police Party. Seeing the Police Party, all of them wanted to make good their escape but two of them viz. Sunny Kumar and Mohit Kumar were arrested. The aforesaid two arrested persons disclosed that they were making plans for committing dacoity in a shop. From the possession of the aforesaid two nabbed persons, fire arm weapons also were recovered. They



disclosed the names of the other accused persons as their accomplices. The name of the petitioner does not transpire in the aforesaid list of names given by the arrested accused persons. Later, the investigating agency filed a requisition for adding the name of the petitioner also in this case. One of the motorcycles which was found with the accused persons at the spot belonged to the petitioner who had given it to one of his friends for the treatment of his mother. The aforesaid motorcycle has also been released in favour of the petitioner. The implication of the petitioner, therefore is only on the basis of the investigating officer's report that he too is involved in the crime and is an accomplice of the arrested accused persons and the other persons who have been named by the aforesaid two persons who were arrested.

The learned counsel for the petitioner has submitted that if these facts were true, the aforesaid arrested accused persons would have surely named the petitioner as well. There is no material to connect the petitioner with the crime.

Apart from the present case, the petitioner is accused in another case viz. Malsalami P.S. Case No. 32 of 2016 which has been registered under Section 366(A) of the Indian Penal Code.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before



learned Court below within a period of four weeks from today, be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna City in connection with Fatuha P.S. Case No. 447 of 2016.

**(Ashutosh Kumar, J)**

Shageer/-

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