

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12563 of 2019**

Arising Out of PS. Case No.-686 Year-2018 Thana- FORBESGANJ District- Araria

Bipin Yadav, aged about 27 years, S/o Birbal Yadav, Resident of Village-  
Kanhaili, P.S.- Narpatganj, District-Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhijeet Gautam  
For the Opposite Party/s : Mr. Nitya Nand Tiwary

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      01-03-2019                      Heard learned Counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case as per the self statement of Mukesh Kumar Saha, Inspector-cum-SHO, Forbesganj Police Station is to the effect that on 11.09.2018 at about 6.00 A.M., a secret information was received that near the Durga Mandir Partaha Hat, some miscreants have gathering and are for preparing a dacoity, whereupon a raid was laid, on seeing the police personnel, they tried to escape from the scene, but on chase being made, two persons were apprehended while four persons



fled away from place of occurrence. The two apprehended persons disclosed their name as Sakaldev Paswan and Ranjan Yadav. It is further alleged that on search being made, one loaded country made pistol was recovered from the possession of co-accused Sakaldev Paswan and a cartridge was recovered from the possession co-accused Ranjan Yadav and they disclose the name of the petitioner and other co-accused persons in their confessional statement and they further stated that they have also been involved in two other offences.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner. It is further submitted that the name of the petitioner sprang up on the confessional statement of co-accused persons. A statement has been made in paragraph no. 3 of the petition that the petitioner is implicated in two other cases.

It is submitted by learned APP for the State that the name of the petitioner sprang up on the confessional statement of co-accused persons, as a person, who escaped from the place of occurrence.

Considering the fact that recovery being not made from the conscious physical possession of the petitioner and name of the petitioner sprang up on the confessional statement of co-accused



persons, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **CJM, Araria** in connection with **Forbesganj P.S. Case No.686 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Deepak/Rahul/-

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