

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30431 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- NTPC District- Bhagalpur

Suraj Kumar @ Suraj Kumar Yadav @ Suraj Yadav S/O Late Bhola Paswan
@ Ashok Kumar Yadav R/O Village- Jamuniya tola P.S. NTPC, and District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey
For the Opposite Party/s : Mr. Arun Kumar Panday

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

ORAL ORDER

2 08-05-2019 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 399, 402, 411 and 414 of the Indian Penal Code, Section 25 (1-b)a, 26 & 35 of the Arms Act and Section 20/22 of the NDPS Act.

Several accused persons are said to have congregated to commit some crime and on the tip off when the informant arrived at the aforesaid place they started escaping. However, one of them namely Nitish Kumar was apprehended and from his possession one



country made pistol and four live cartridges were recovered. He disclosed the names of several accused persons including the petitioner in the occurrence. On the disclosure of Nitish Kumar cash, ganja and several arms and ammunitions were recovered from the possession of Nitish Kumar and several other accused persons.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The petitioner is quite innocent and has been falsely implicated in this case. He has no concern with the aforesaid occurrence. He was not apprehended on the spot. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the disclosure made by the apprehended accused Nitish Kumar which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from



today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bhagalpur in connection with NTPC P.S. Case No.01 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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