

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49794 of 2019

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

Chintu Yadav @ Chintu Kumar, S/o Nand Kumar Yadav R/o village-
Ramjanipur, P.S.- Shiv Narayanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Kahalgaon (Shiv Narayanpur) P.S. Case No.434 of 2018 for the
offence punishable under Sections 25(1-b), 26, 35 of Arms Act.

The allegation against the petitioner as per the First
Information Report lodged by Mukesh Kumar, SHO, Kahalgaon
P.S. is that upon secret information that some criminals were
conspiring to commit a highway robbery, the informant raided
near the Alakaman Hotel and two persons got arrested on chase
and on interrogation, they disclosed their name as Dharmendra
Kumar Yadav and Shravan Kumar and police recovered some
mobile phone from them. It has further been alleged that
apprehended co-accused disclosed the name of the petitioner as



his associates.

Mr. Shivesh Chandra Mishra, learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and the house of the petitioner was raided by the police and recovered only one mobile phone from his house and no incriminating material has been recovered from the possession of the petitioner. Learned counsel further submits that in one case, petitioner has also been dragged which has been disclosed in paragraph 3 on the basis of confessional statement of co-accused bearing Kahalgaon (Shiv Narayanpur) P.S. Case No.429 of 2018. Learned counsel further submits that similarly situated accused persons Gadar Yadav @ Gadar and Nirmal have been granted bail by this Court in Cr. Misc. No.67930 of 2018.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that no any incriminating material has been recovered from the possession of the petitioner while his house was raided and the name of the petitioner has come on the basis of statement made by co-accused, as such, I am inclined to grant anticipatory bail to the petitioner.



Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in Kahalgaon, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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