

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54465 of 2019

Arising Out of PS. Case No.-274 Year-2019 Thana- HARNAUT District- Nalanda

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Mahesh Yadav, Aged about 29 years, Male, Son of Jagdish Yadav, Resident of Village-Telmar, P.S.-Telmar, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-09-2019 Heard both sides.

Petitioner apprehends his arrest in Harnaut (Telmar O.P.) No.274 of 2019, registered under Sections 341, 323 and 34 of the Indian Penal Code as well as under Sections 25(1-B)a, 26, 27 of the Arms Act.

The informant having received the information that all the four named accused persons having armed with different weapons were assaulting Jitendra Singh. The informant rushed to the spot and heard the sound of firing but after seeing the police, the accused persons started fleeing away. Mahesh Manjhi and petitioner Mahesh Yadav were apprehended and from possession of Mahesh Manjhi one country made pistol along with one live cartridge was recovered. From possession of the petitioner Mahesh Yadav three live cartridges were



recovered. It is further alleged that two persons, namely, Satrudhan Yadav and Lalan Yadav managed to flee away.

Learned counsel for the petitioner submits that the petitioner was taken into custody and he was searched but the informant did not state anywhere in his written statement that the petitioner fled away from the custody of the police. The petitioner was not remanded in the case. The seizure list does not bear the signature of thumb impression of the petitioner. Learned counsel for the petitioner further submits that the informant at the instance of Jitendra Singh implicated the petitioner although nothing was recovered from possession of the petitioner. Later on the informant also lodged Harnaut (Telmar) P.S. Case No.275 of 2019, registered under Section 224 of the Indian Penal Code. It is submitted that since the petitioner is innocent he deserves bail but it appears from the facts itself that the petitioner was apprehended on the spot and on being searched three live cartridges were recovered from his possession. From possession of Mahesh Manjhi one loaded country made pistol with live cartridge was recovered but the petitioner managed to flee away from the custody of the informant and for that Harnaut (Telmar) P.S. Case No.275 of 2019 was registered under Section 224 of the Indian Penal



Code.

Taking into consideration the fact that the petitioner escaped from the custody of the informant, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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