

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82739 of 2019

Arising Out of PS. Case No.-128 Year-2019 Thana- JHAJHA District- Jamui

Atto Yadav @ Ato Yadav, son of Shiv Dhari Yadav, resident of village -
Jurabganj, P.S.- Korha, District- Katihar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Jhajha
PS Case No. 128 of 2019 dated 10.05.2019 instituted under
Sections 25(1-b)a, 26 of the Arms Act.

3. The petitioner was caught by the public and the
allegation is that he was the person, who had snatched money,
which was taken out by a lady from the Bank, and the purse of
the lady containing forty-seven thousand and also looted
countrymade pistol along with one cartridge and a metal object
have been recovered.

4. Learned counsel for the petitioner submitted that he
was caught by the public and thus, there is no corroboration as to



whether the article was of the person, who has alleged to have been robbed. It was further submitted that the lady claims to have taken out rupees fifty thousand from the bank, but the recovery is only of rupees forty-seven thousand. It was further submitted that the Arms Act provides that if a person is apprehended by the public, which is the admitted position in the present case, the offence for which he is charged becomes bailable. Learned counsel submitted that with regard to theft of rupees fifty thousand, the informant has also lodged a separate case in which it has been disclosed that the amount was rupees fifty thousand. It was further submitted that the petitioner is in custody since 10.05.2019.

5. Learned APP submitted that from the petitioner rupees forty-seven thousand in the bag of the informant having been recovered leaves no doubt with regard to his complicity. It was further submitted that as per the First Information Report, the amount withdrawn by the lady is not disclosed. However, learned counsel submitted that even if rupees fifty thousand was withdrawn, some amount could have been either used by the lady or in the alternative while snatching and running away some notes could also have dropped and in any view of the matter, the recovery of the bag and rupees forty-seven thousand from the



petitioner is enough evidence to charge him for the offence.
Learned counsel submitted that there is no false implication as upon cry raised by the victim, the public had chased the petitioner and caught him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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