

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12118 of 2020

Munna Yadav, aged about 28 years (M) son of Aatma Yadav, Resident of village-
Laxmipur Gadariya, P.S. Turkauliya (Raghunathpur O.P.), District-East Champaran

..... Petitioner

Versus

The State of Bihar

..... Opposite party

Appearance

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 28.08.2020 Heard learned counsel for the petitioner and learned A.P.P
for the State through video conferencing.

The instant application for anticipatory bail has been filed
by the petitioner apprehending his arrest in connection with
Turkauliya P.S. Case No.668 of 2019 registered under sections
25(1-B)(a), 26 and 35 of the Arms Act.

As per allegation in the F.I.R, on secret information having
been received about an accused namely, Rakesh Sahni having
reached his home and that he would soon escape, a raid was
conducted along with local chowkidar. In the raid, the said
Rakesh Sahni was caught and in his confessional statement took
the name of several accused persons including the petitioner
herein as being involved in the Hira Yadav murder case. It is

further stated that raids were conducted and the petitioner was not found at his home. On further raid being conducted incriminating articles were recovered from the possession of other accused persons including Bodha Yadav.

It is submitted by learned counsel for the petitioner that from the F.I.R. itself it would transpire that except for the name of the petitioner transpiring in the confessional statement of a co-accused made before police, there is no other material against him. The incriminating articles have been recovered from the house of Ashok Yadav and Bodha Yadav. It is lastly submitted that besides the instant case, the petitioner was falsely implicated in one another case but in the said case also he was not named in the F.I.R.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the submissions made on behalf of the petitioner and non-recovery of any incriminating article from the possession of the petitioner, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Turkauliya P.S. Case No. 668 of 2019, he will be enlarged on bail 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 Chief
Judicial Magistrate, Motihari, East Champaran, subject to the
conditions as laid down in section 438 (2) of Criminal Procedure
Code.

(Partha Sarthy, J)

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