

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40301 of 2021**

Arising Out of PS. Case No.-210 Year-2020 Thana- BARACHATTI District- Gaya

1. SANJAY YADAV @ SUNIL KUMAR S/o Deoki Yadav R/o village- Kharanti Tola Dhawatari, P.S.- Barachatti, District- Gaya
2. SANJAY YADAV S/o Ghura Yadav @ Laldeo Yadav R/o village- Kharanti Tola Pathalkatta, P.S.- Barachati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.N. A. Shamsi

For the Opposite Party/s : Mr.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      22-12-2021                      Heard learned counsel for the petitioners and learned  
APP for the State.

Learned counsel for the petitioners is directed to  
remove the defect(s), as pointed out by the office, within a  
period of eight weeks.

The petitioners are apprehending their arrest in a case  
registered under Sections 25(1-b)a, 26/35 of the Arms Act.

Allegedly, on the noise of one Raju Yada about the murder  
of his uncle, the village people reached in the forest and saw  
that two persons on motorcycle were fleeing away but due to  
drainage, the persons on motorcycle fell down. Though one  
person managed to escape but the other was apprehended by the



people who disclosed his name as Ram Bhajju Yadav. On search, a live cartridge was recovered from his jacket. The petitioners are said to have attempted to get released the apprehended accused.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. An incident had taken place, where a person was killed and two persons were seen fleeing away. One of them, was apprehended by local residents. So far petitioners are concerned, the petitioner No. 1 is Up Mukhiya whereas the petitioner No. 2 is the associate of petitioner No. 1. They had no concern with the murder which was committed by the accused persons. Later on, when they came to know that an innocent person has been apprehended by the local residents for political reason, they had gone to persuade the people to release the apprehended person, who was apprehended due to mistake of fact and for the said reason, the names of the petitioners have been dragged in the present case out of vengeance. No incriminating article is said to have been recovered from possession of the petitioners.



On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 210 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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