

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42545 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- SARE District- Nalanda

=====

VIMAL YADAV S/o Kamdhin Yadav @ Kamudin Yadav Resident of Village-  
Dullabigha, P.S.- Sare, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Avinash

For the Opposite Party/s : Mr.Shyameshwar Dayal

=====

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

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

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

The petitioner is apprehending his arrest in a case  
registered under Sections-399, 402, 414 of the Indian Penal  
Code and Sections- 25(1-b)a, 26, 27/35 of the Arms Act.

Allegedly, one country made pistol and three country-made  
rifles are recovered in this case.

It has been submitted on behalf of the petitioner that the  
petitioner has got no criminal antecedent. There is no allegation  
of tampering of witnesses alleged against the petitioner. The  
petitioner has been made accused in the present case due to



mistake of fact. Arms are said to have been recovered from possession of the co-accused. There is no recovery of arms from possession of the petitioner. The name of the petitioner has transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no compliance of Section 100 of the Cr.P.C.

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

Considering the aforesaid facts and circumstances of the case, the petitioner, 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 Additional Sessions Judge-VII, Nalanda at Bihar Sharif in connection with Sare P.S. Case No. 86 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.//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

