

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1442 of 2021

Arising Out of PS. Case No.-160 Year-2019 Thana- SASARAM RAIL P.S. District- Gaya

SAHEB YADAV @ OM PRAKASH YADAV Son of Kailash Yadav Resident
of Village - Trilokpur, P.S.- Kargahar, Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate.
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-04-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sasaram Railway P.S. Case No. 160 of 2019 registered for the offence punishable under Sections 379/411 of the Indian Penal Code.

As per the prosecution case, the petitioner with his associates stolen the *Insas* rifle of informant from running train and the same has been recovered from the gang in which the petitioner is also a member. So the present case was lodged



against the unknown accused persons.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that after instituted the present the said *Insas* rifle was recovered from co-accused namely Chhotu Kumar @ Laxman Singh and FIR lodged in connection with Kargahar P.S. Case No. 307 of 2019 offences under Section 353, 307, 401, 414/34 of the IPC and Section 25(1AA)(1-B), 26, 35, 27 of the Arms Act. He submits that petitioner moved before this Hon'ble Court in connection with Kargahar P.S. Case No. 307 of 2019 in Cr. Misc. No. 21336 of 2020 which was heard by Hon'ble Mr. Justice Mohit Kumar Shah *vide* order dated 2.07.2020 and granted bail to the petitioner. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been languishing in custody since 25.12.2019 but he has remanded in the present case on 1.07.2020.

There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the co-accused person which has not evidentiary



value in the eye of law.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, **after framing of charge** and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Sasaram Railway P.S. Case No. 160 of 2019.

(Anjani Kumar Sharan, J)

GAURAV S./-

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