

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40142 of 2020**

Arising Out of PS. Case No.-100 Year-2020 Thana- SUPAUL District- Supaul

SHANKAR YADAV, Son of Jagan Yadav @ Mahendra Yadav, Resident of Village- Balwa, Ward No.06, P.S.- Supaul, Distt- Supaul, at present Balwa Purnwas, Ward No.01, P.S.- Supaul, Distt- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 23-02-2021 Heard Mr. Ranjay Kumar Singh, learned Counsel for the petitioner and Mr. Uday Chand Prasad, learned Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out of Supaul Police Station Case No. 100 of 2020, disclosing offences under Sections 399, 402, 414 of the Indian Penal Code and 25(1-B)a/26/35 of Arms Act, 1959.

The allegation, as per the First Information Report is that the police during course of their duty found that some persons were sitting in a hut and upon seeing the police party, they started fleeing away, however, the petitioner along with other accused persons were apprehended and upon search being made by police, a country-made pistol was recovered which was



kept on the bed and three motorcycles were recovered from the Verandah of the house and upon inquiry, the petitioner informed that the motorcycles belong to the persons, who succeeded in fleeing away.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to oblique motive and he has got no criminal antecedent. Learned counsel next submits that no incriminating material and fire arm has been recovered from the conscious possession of the petitioner and from perusal of the First Information Report, it would be evident that the police at the first instance has mentioned in the FIR that accused persons were sitting in a hut, however, the recovered of motorcycle has been shown from Verandah of the house which amounts to contradiction in the FIR itself. Learned counsel further submits that petitioner is in custody since 13.02.2020, i.e., almost one year and the chargesheet has already been submitted against the petitioner and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the



fact that petitioner is in custody since 13.02.2020 having no criminal antecedent and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Shankar Yadav, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-Vth, Supaul, in connection with Supaul Police Station Case No. 100 of 2020.

(Anil Kumar Sinha, J.)

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