

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55481 of 2021**

Arising Out of PS. Case No.-67 Year-2020 Thana- MAIRWAN District- Siwan

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KALLU YADAV @ SANDEEP KUMAR YADAV Son of Ashok Yadav
Resident of Village - Mishrauli, P.S.- Mairwa, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akshay Lal Pandit, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-12-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

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 connection with Mairwa P.S. case No.67/20 registered under Section 414 of I.P.C. and Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 37(b), 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that one country made loaded pistol and one motorcycle are recovered from the co-accused and he was in drunken state.

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that one country made loaded pistol and one motorcycle are said to have been recovered from the co-accused. Said co-accused is alleged to be the owner of the motorcycle in question. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 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 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 bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II-cum-Special Judge, Excise, Siwan in connection with Mairwa P.S. case No.67/20, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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