

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4026 of 2021

Arising Out of PS. Case No.-1005 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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BIJAY YADAV SON OF SRI LAGAN YADAV RESIDENT OF VILLAGE -
BARARI (RAILWAY COLONY), P.S. - BARARI, DISTRICT -
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Ms. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-04-2021 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with

Kotwali (Barari) Police Station Case No. 1005 of 2019,

registered for the offence punishable under Sections 399/402 of

the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms

Act.

The allegation, as per the First Information Report, is

that the police, on the basis of secret information that some

miscreants have assembled, proceeded towards the place of

occurrence and upon seeing the police party, they started fleeing

away, but one Kailash Yadav was arrested and from his



possession, one country-made pistol along with live cartridge was recovered and the said Kailash Yadav disclosed that he, along with the petitioner and other co-accused persons, was planning to commit dacoity.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case on the basis of the disclosure of his name by the arrested co-accused Kailash Yadav, from whose possession, one country-made pistol and one live cartridge were recovered. He next submits that co-accused Kailash Yadav has been granted bail by co-ordinate Bench of this Court, vide order, dated 04.06.2020, passed in Criminal Misc. No. 18454 of 2020. He further submits that co-accused persons, namely, Abhay Yadav and Karu Yadav, have also been granted bail by co-ordinate Bench of this Court.

Having heard learned Counsel for the parties and taking into consideration the materials on record, the nature of allegation and the fact that no incriminating material and/or fire arm has been recovered from the possession of this petitioner and the petitioner is in custody since 14.11.2019, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Kotwali (Barari) Police Station Case No. 1005 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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