

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69481 of 2021

Arising Out of PS. Case No.-297 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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MITHUN YADAV @ MITHUN KUMAR @ MITHUN RAJ Son of Yogendra
Yadav @ Yogi Yadav Resident of Village- Bargaon, Ward No. 08, P.S.-
Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-12-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

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

Allegedly, country made arms and live cartridges 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 falsely implicated in the present case. Arms



are said to have been recovered from possession of the co-accused. There is no recovery of arms from conscious 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.

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 learned Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur Mufassil P.S. Case No. 297 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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