

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3838 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- CHAUSA District- Madhepura

Niro Yadav @ Niranjan Yadav, aged about 40 years (Gender-M), Son Of Late
Jhingo Yadav @ Shyam Lal Yadav, R/O Village- Louwa Lagan, P.S.- Chousa,
District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate

For the Opposite Party : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2022 A supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Chausa P.S. Case No. 72 of 2021 for the offence registered
under Section 392 of the I.P.C. and Sections 25(1-b) and 26 of
the Arms Act.

The prosecution story, in brief, is that co-accused
Pankaj Kumar Singh had put the pistol on the head of the



informant and the petitioner snatched Rs. 65,000/- from the pocket of the informant and he also snatched Mobile phone from Noor Mohammad.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. An affidavit of the Notary Public, Madhepura, sworn by the informant has been annexed to the supplementary affidavit as Annexure-2. The said affidavit has been made by the informant in the learned court below where he has retracted from his earlier statement made in the F.I.R.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the affidavit made by the informant, let 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 the learned S.D.J.M., Udda Kishunganj, Madhepura, in connection with



Chausa P.S. Case No. 72 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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