

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28772 of 2021

Arising Out of PS. Case No.-532 Year-2020 Thana- NARPATGANJ District- Araria

ASHISH KUMAR YADAV @ ASHISH YADAV Son of Sri Lalan Kumar
Yadav @ Lalan Yadav Resident of Village - Madhura Dfakshin , Ward no.11,
P.S.- Narpatganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.AAP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

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

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Narpatganj P.S. Case no. 532 of 2020 instituted for the
offence under Sections 25(a)(1A)(1AA)(1B)ab, 26(1)(2), 35,
27(1)(2) of the Arms Act.

As per allegation in the FIR, on receiving secret



information about assembly of criminals with weapons to hatch a conspiracy, police proceeded towards the place of occurrence. On seeing the police party, accused persons started to escape but after chase, co-accused Md. Imtiyaz, Mithilesh Yadav and Mithilesh Kumar Yadav were apprehended and from their possession, several weapons and two mobile sets were recovered. They disclosed the name of the petitioner, who succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case due to ulterior motive. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of



four weeks from today and in the event of his arrest or surrender in connection with Narpatganj P.S. Case no. 532 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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