

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42277 of 2021

Arising Out of PS. Case No.-7 Year-2018 Thana- GOGRI District- Khagaria

RAJESH YADAV Son of Bisho Yadav @ Viso Yadav Resident of Village -
Bareta, Police Station - Gogari, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

The petitioner seeks regular bail in connection with Gogri P.S.Case No. 7/18 registered for the offence punishable under Section 414 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

The allegation is regarding the police having



intercepted a motorcycle whereupon though the driver of the said vehicle was arrested but the pillion rider had managed to flee away. It is alleged that two country made loaded pistols were recovered from the said co-accused person, who was arrested on the spot, namely, Rahul Kumar. The motorcycle in question was also found to be a stolen motorcycle and the said Rahul Kumar had disclosed that the person, who had fled away, is the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 5.1.2021. The learned counsel for the petitioner has further submitted that the co-accused person, on whose confessional statement, the name of the petitioner has transpired in the present case, has already been granted bail by a coordinate Bench of this Court. It is further submitted that neither any incriminating articles have been recovered from the petitioner nor the petitioner was



arrested from the spot and he has been falsely implicated in the present only because of his bad criminal antecedent.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no incriminating article has been recovered from the petitioner and moreover, the co-accused person, on whose confessional statement, the name of the petitioner has transpired in the present case, has already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on 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 ACJM 3rd, Khagaria in
connection with Gogri P.S.Case No. 7/2018.

(Mohit Kumar Shah, J)

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