

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52986 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

1. Rishi Yadav Son of Shri Brahmdeo Yadav Resident Of Sarmaopur, Kohra, P.S. Lodipur, District- Bhagalpur
2. Budhan Yadav @ Budho Yadav Son of Shri Munilal Yadav Resident Of Sarmaopur, Kohra, P.S.- Lodipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Geeta Kumari Jha, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2022 Heard learned counsel for the petitioners and Shri Anil Prasad Singh, learned A.P.P. for the State through virtual court proceedings.

The petitioners seek bail in connection with Mojahidpur Babarganj P.S. Case No. 102 of 2021 instituted for the offences under Sections 394 and 307 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners are in custody since 07.06.2021, petitioner no. 1 is a person with clean antecedent, petitioner no. 2 has one antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioners submits that the



informant alleges that on 23.04.2021 at 9:30 pm while the informant and medical shop owner, Ranjit were about to close the shop then 3-4 unknown criminals, on the pretext of buying medicine, forcefully entered the shop variously armed and asked Ranjit to hand over the cash and when he objected, one of the accused fired injuring him and looted the cash and fled on motorcycle.

Learned counsel for the petitioners submits that the F.I.R. was against unknown, the name of the petitioners transpired based on secret information and further that after arrest, they even confessed their crime. Learned counsel submits that confession before police does not have any evidentiary value in the eyes of law. It is submitted that the petitioners have not been put on T.I.P. nor any incriminating articles relating to loot were recovered from their possession rather only allegation is of recovery of arms and one cartridge.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 07.06.2021, charge-sheet has been submitted in the case, petitioners were not put on T.I.P. nor any incriminating articles relating to loot were recovered from their possession and their



name transpired on secret information based on which they confessed their crime in police custody which does not have any evidentiary value in absence of any recovery, let the petitioners above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur Babarganj P.S. Case No. 102 of 2021 with a condition that one of the bailor of both the petitioners shall be the father of petitioner no.1, Shri Brahmdeo Yadav.

(Satyavrat Verma, J)

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