

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53241 of 2021

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

Arvind Yadav Son of Umesh Yadav R/o Village- Sarmaipur Korha, P.S.-
Lodipur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2022 Heard learned counsel for the petitioner and Mr. Md. Shakir Ahmad, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks 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 petitioner submits that the petitioner is in custody since 07.06.2021, charge-sheet has been submitted in the case and has antecedent of three cases as mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner 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 petitioner submits that the F.I.R. was against unknown, the name of the petitioner transpired based on secret information and further that after arrest, he even confessed his crime. Learned counsel submits that confession before police does not have any evidentiary value in the eyes of law. It is submitted that the petitioner has not been put on T.I.P. nor any incriminating articles relating to loot were recovered from his 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 petitioner.

Considering the fact that the petitioner is in custody since 07.06.2021, charge-sheet has been submitted in the case, he was not put on T.I.P. nor any incriminating articles relating to loot were recovered from his possession and his name transpired on secret information based on which he confessed his crime in police custody which does not have any evidentiary value in



absence of any recovery, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) 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 shall be the father of petitioner (Shri Umesh Yadav).

(Satyavrat Verma, J)

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