

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15455 of 2023**

Arising Out of PS. Case No.-110 Year-2022 Thana- GHOGHARDIHA District- Madhubani

Vivek Kumar Yadav @ Vivek Yadav Son of Krishan Kumar Yadav @ Krishna
Kumar Yadav R/v- Godhiyari, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 01-05-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under Section
394 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the
Arms Act.

The prosecution case, in short, is that four unknown
miscreants intercepted the informant and his son and started absuing
them and snatched Rs.10,000/- cash, mobile phone and when they
resisted, then miscreants placed pistol on the head of the informant
and also assaulted the informant with butt of the pistol and when son
of informant made hue and cry then miscreants fled away and one
pistol with one cartridge fell down at the place of occurrence.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 11.10.2022. Charge sheet/prosecution
report has been submitted in this case. There is no allegation of



tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no chance of trial being concluded in near future. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case on the confessional statement of the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner has not been put on T.I.P. to ascertain his participation in the alleged occurrence. There is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is not named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, be released 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 the Court below/concerned Court in connection with Ghoghardiha P.S. case No.110 of 2022.

(Sudhir Singh, J)

Narendra/-

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