

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46286 of 2022

Arising Out of PS. Case No.-557 Year-2020 Thana- BIHAR District- Nalanda

ATTU YADAV S/o Balmiki Yadav R/o Chaukhandipar, P.S.- Bihar, Distt.
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Bihar P.S. Case No.557 of 2020 instituted under Sections 147, 148, 149, 307, 353 of the Indian Penal Code and Section 25(1-b)a, 26,27, 35 of the Arms Act.

As per the prosecution story, the informant Police Officer got knowledge about firing of the place and as the police party reached there, accused persons tried to escape, one of them was apprehended who gave his name as Karu @ Ravi Shankar Kumar from whom loaded countrymade revolver with live cartridge and cash was recovered. He further gave the name of the accused who escaped from the place of occurrence, the petitioner being one of them. The arrested person further stated that the pistol that has been seized by the police is of one



Kundan. Accordingly, FIR was lodged.

Learned counsel for the petitioner submits that he has not been taken into custody on the place of occurrence as his name has come only on the basis of confessional statement of the person arrested from the spot and accordingly he deserves bail. His last submission is that similarly placed co-accused Vikash Kumar and Viru Yadav have since been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No.4810 of 2021 on 23.11.2021 (Annexure-2). He lastly submits that the petitioner is ready to pay Rs.10,000/- to the Bihar State Legal Services Committee irrespective of the outcome of the present petition.

Taking into account the aforesaid fact that the petitioner has not been arrested from the spot, his name has come in the confessional statement of Karu @ Ravi Shankar Kumar, similarly placed co-accused have been granted privilege of anticipatory bail, this Court is inclined to grant him relief, subject to payment of Rs.10,000/- to the Bihar State Legal Services Committee through Bank Draft to be deposited before the concerned court.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Bihar P.S. Case No.557 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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