

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6929 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- HARSIDHI District- East Champaran

Shyam Yadav @ Shyam Kumar, Son of Madan Ray @ Madan Yadav, R/o
Village- Bhusahan, P.S. - Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Harsidhi P.S. Case no. 159 of 2023 registered under sections 402, 399, 413 and 414 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and section 20(b)(ii)(C) of the NDPS Act to which sections 22(c), 25 and 29 of the NDPS Act were added subsequently.

3. As per the prosecution case, the informant states that on receiving information about the accused persons having gathered and planning to give effect to an occurrence a raid was conducted. While some accused persons managed to escape, Sameer Singh, Rohit Kumar and Biraj Sahani were arrested and 1.486 kg of *charas* was recovered besides two country made



pistols etc. It is further stated that they disclosed the names of the accused persons who had managed to escape and which included the petitioner herein.

4. Learned counsel for the petitioner submits that neither the petitioner was arrested at the spot nor any incriminating article was recovered from his possession. Two of the FIR named accused namely Rohit Kumar and Biraj Sahani have been enlarged on bail vide orders dated 26.7.2023 passed in Cr. Misc. no.33043 of 2023 and dated 25.5.2023 passed in Cr. Misc. no.27940 of 2023 respectively. The petitioner is in custody since 10.11.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been arrested at the spot, no incriminating article having been recovered from the petitioner's possession, grant of bail to the above two FIR named co-accused and the petitioner having remained in custody since 10.11.2023, the petitioner is directed to be enlarged on bail in connection with Harsidhi P.S. Case no.159 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Session
Judge/Special Judge, East Champaran, Motihari.

(Partha Sarthy, J)

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