

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50206 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

Mantu Yadav @ Mintu Yadav, aged about 28 years, Male, Son of Suresh Yadav, Resident of Village- Makariyar, P.O. Makariyar, P.S.- Siwan Muffasil, Dist- Siwan.

... .. Petitioner

Versus

The State of Biharr

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dhananjay Kumar Shahi, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 30-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Bhagwanpur Hat P.S. Case No. 13 of 2023 dated 13.01.2023 registered for the offences punishable under Sections 394,307 of the I.P.C. and Section 27 of the Arms Act.

4. As per the prosecution case, on 10.01.2023 at about 22.30 O'clock, the informant alongwith his friends were going to Gopalganj and the informant himself was driving the car. On the way, some unknown miscreants intercepted the informant's



car. Three persons armed with weapons alighted from a Bareja car and they came near the informant and ordered to open the gate of the car but the informant did not open the gate. The accused persons fired on the Scorpio due to which, the informant received gunshot injury on his chest and he became injured. The accused persons got alighted the informant and his friends from the Scorpio and they snatched a purse containing Rs. 7,000/- and three mobiles and thereafter they fled away with the Scorpio of the informant towards Mashrakh.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the present case only on the basis of the confessional statement of the co-accused, Samar Singh. Although the co-accused Samar Singh has already been granted anticipatory bail by the learned court below itself. No incriminating article has been recovered from the possession of the petitioner. It is submitted that the looted Scorpio vehicle was recovered by police from Hilsad village in an abandoned state. The petitioner does not know the co-accused Samar Singh. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application.



6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Siwan, in connection with Bhagwanpur Hat P.S. Case No. 13 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

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(Chandra Prakash Singh, J)

