

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65639 of 2024

Arising Out of PS. Case No.-687 Year-2023 Thana- SABAUR District- Bhagalpur

Sewak Yadav, (M), aged about 29 years, S/o- Subhash Yadav, R/O Vill-
Ramchandrapur, PS-Goradih Sabour, Dist- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vivekanand Vivek, Advocate
For the Opposite Party : Mr. Madhura Nand Jha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 26-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sabour
P.S. Case No. 687 of 2023 dated 31.12.2023 registered for the
offences punishable under Sections 341, 323, 307, 353, 332,
333/34 of the I.P.C. and Sections 25(1-B)(a), 26 and 35 of the
Arms Act.

3. As per the prosecution case, on secret information,
police officials tried to stop the Scorpio vehicle then one person
fired bullet but anyhow one A.S.I. namely, Pawan Kumar,
saved. Thereafter, police officials apprehended the co-accused
Rajesh Yadav alias Rajesh Kumar Yadav and Kaju Yadav and a
country made pistol, bullet, Scorpio and mobile were recovered



from their possession. The apprehended co-accused Rajesh Yadav @ Rajesh Kumar Yadav and Kaju Yadav disclosed the name of the petitioner and others as fleeing persons from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from the possession of the petitioner. He was not apprehended on the spot. His name has surfaced in the present case on the basis of the confessional statement of the co-accused persons Rajesh Yadav @ Rajesh Kumar Yadav and Kaju Yadav which has got no evidentiary value in the eye of law. Moreover, the co-accused Rajesh Yadav @ Rajesh Kumar Yadav has already been granted bail by a Bench of this Court vide Cr. Misc. 43481 of 2024 under order dated 23.07.2024, annexed as Annexure-2 to the present bail application. The petitioner has no concern with the alleged offence. The petitioner has three criminal antecedents and in one case he has been acquitted and in one case he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 28.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged 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 C.J.M./Or Incharge, Bhagalpur in connection with Sabour P.S. Case No. 687 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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