

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79381 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- CHHATAUNI District- East Champaran

Tej Pratap Yadav @ Tej Pratap Kumar Son of Mahendra Yadav @ Mahindra Yadav Resident of Village- Dhawahi, P.S.- Harsidihi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Chhatauni P.S. Case No. 35 of 2024 registered for the offences punishable under Sections 414 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, the police has recovered one country-made pistol and five live cartridges from the possession of the co-accused Bittu Kumar. The police has also recovered one android mobile from the co-accused Raja Mahato.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of co-accused Bittu Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has also no concern with the alleged motorcycle or the arms and ammunition. Save and except confessional statement of the co-accused, nothing has come against the petitioner in this case. The petitioner has three criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application.

5. Learned counsel for the petitioner further submits that the co-accused Bittu Kumar has been granted regular bail by this Court vide order dated 23.04.2024 passed in Cr. Misc. No. 22614 of 2024.

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

7. Considering the entire facts and circumstances of the case and taking into account that no arms and ammunition has been recovered from the possession of the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, be released on anticipatory 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 learned court below where the case is pending/successor court in connection with Chhatauni P.S. Case No. 35 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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