

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84052 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- AAJAM NAGAR District- Katihar

Mandal Yadav S/o- Shirpoti Yadav @ Sripati Yadav Resident of village-
Nekula Nasirganj PS- Balia Belon District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Nirmala Kumari

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

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Azamnagar P.S. Case No. 98 of 2024 dated 09.03.2024 registered for the offences punishable under Sections 395 of the I.P.C., 27 of the Arms Act and $\frac{3}{4}$ of the Explosive Substances Act.

3. As per the prosecution case, on 08.03.2024, 20-25 unknown miscreants holding lethal weapons are alleged to have entered the house of the informant with deadly weapons and committed dacoity of jewellery, cash, a mobile phone, D.V.R. and other articles from his house and fled away.

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 the occurrence took place on 08.03.2024 as to when the F.I.R. has been lodged on 09.03.2024 against unknown accused persons. The petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused persons Hiralal Ray and Shirpoti Yadav which has got no evidentiary value in the eye of law and on that basis the police arrested the co-accused, Shirpoti Yadav and recovered a box containing three silver rings from the house of the co-accused, Shirpoti Yadav. It is further submitted that in the F.I.R., it has not been mentioned that any silver ring has been taken away by the miscreants and the police allegedly recovered the said silver rings from the house of the co-accused, Shirpoti Yadav rather the said silver rings are not the looted article and it is a common thing found in every houses and these silver rings belong to the female members of the house of the co-accused, Shirpoti Yadav. The other co-accused person has already been granted bail by this court *vide* order dated 29.08.2024 passed in Cr. Misc. No. 51505/2024. The petitioner has no criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 09.08.2024.



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. Katihar in connection with Azamnagar P.S. Case No. 98 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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