

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6363 of 2024

Arising Out of PS. Case No.-21 Year-2003 Thana- NAVINAGAR District- Aurangabad

Ajay Yadav Son of Ishwari Yadav Resident of Village-Patkhauliya, PS-Navi
Nagar, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Advocate.
For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2024 Heard Mr. Lal Bahadur Singh, Ld. counsel for the
petitioner and Mr. Upendra Kumar, Ld. APP for the State.

2. The petitioner apprehends his arrest in connection with Nabi Nagar P.S. Case No. 21 of 2003 dated 9.3.2003 registered for the offence punishable under Sections 25(1-b), 26, 35 of the Arms Act, Sections ¾ of V.P. Act and Section 17 of C.L.A. Act.

3. The prosecution case as emerges from the FIR is that the Police on receiving confidential information that some members in group had assembled in village Baluwar to commit crime, proceeded towards the village and on seeing the Police Party, eight persons including the petitioner sitting near the heap of straw, succeeded in fleeing away and as per the statements of the villagers the name of the accused including the petitioner



emerged. On search of the heap of the straw, a large number of arms and ammunition were recovered.

4. Ld. counsel for the petitioner submits that the Petitioner is completely innocent and has falsely been implicated in this case. Even as per the First Information Report, the petitioner has not been arrested by the Police. All the accused persons have been made accused on the basis of alleged statement of villagers. However, there is no recovery of Arms either from the house of the petitioner or from their conscious possession. He further submits that the petitioner has got no criminal antecedent. He is a poor man working as a labourer outside the State. He next submits that this is classic case of misuse of Police power to implicate innocent persons without any basis and harass them.

7. On the other hand, Ld. APP for the State opposes the prayer of the petitioner for anticipatory bail.

8. However, considering the fact that the petitioner was never arrested by the Police nor any seizure of arms or any literature has been recovered from the house of the petitioner, this application is allowed, directing the petitioner, above-named, to be enlarged on anticipatory bail in the event of his arrest or surrender before the court below within a period of



eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 1st Additional District and Sessions Judge, Aurangabad, in connection with Nabi Nagar P.S. Case No. 21 of 2003, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J)

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