

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4666 of 2025

Arising Out of PS. Case No.-969 Year-2020 Thana- ARARIA District- Araria

Shailendra Yadav @ Shelendra Yadav Son of Hari Narayan Yadav Resident of
Village - Phulparas, Puwari Tola, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-01-2025 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The learned counsel for the petitioner submits that the defect pointed out by the office is with respect to certified copy of the FIR. It is submitted that co-accused Birendra Singh was convicted in the instant case by the learned Trial Court, as such, he preferred Criminal Appeal (SJ) No. 1437 of 2022 before this Court, hence the entire Trial Court record was called for and was tagged with Criminal Appeal (SJ) No. 1437 of 2022 hence the petitioner could not obtain the certified copy of the FIR.

3. In view of the submissions made by the learned counsel appearing on behalf of the petitioner, the defect as pointed out by the office is ignored.

4. Learned counsel for the petitioner next submits that the petitioner has antecedent of three cases and is in custody since 14.09.2024 and allegation is of recovery of 576 liters of liquor from a car of Mahindra company.



5. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized vehicle and he came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value.

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

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Araria (Bairgachhi) P.S. Case No. 969 of 2020.

8. At this stage, the learned counsel for the petitioner submits that Birendra Singh was granted the privilege of bail by an order dated 16.05.2022 in Criminal Appeal (SJ) No. 1437 of 2022 and as such the appeal is pending adjudication.

(Satyavrat Verma, J)

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