

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9028 of 2026

Arising Out of PS. Case No.-168 Year-2025 Thana- PANDARAK District- Patna

Santosh Yadav @ Silewa Son of Ramnandan Yadav R/o Village - Chintaman
Chak, Police Station - Pandarak, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 22-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Pandarak P.S. Case No.168 of 2025 registered for the
offence under Sections 61(2) of the BNS and 25(1-B)(a), 26, 35
Arms Act.

3. Prosecution case in short is that, the police team
conducted a raid at about 08:40 A.M., when the informant and
other police personnel reached near a tree about 100 meters east
of Chintamani village, they saw about five persons sitting there.
On seeing the police vehicle, they stood up and tried to flee.
With the help of police force, one person was apprehended,
while the remaining four persons escaped from the spot. On
inquiry, the apprehended person disclosed his name as Dilip
Kumar, aged about 20 years, son of Suresh Yadav, resident of



Hamjapur village, Police Station Khusrupur, District Patna. During interrogation, as his accomplices were not present, a personal search of the apprehended person was conducted. From his possession two country-made pistol, two live cartridges and a mobile of reliance company were recovered. Thereafter, the apprehended person was interrogated, during which he disclosed the names of the four absconding persons as Sagar Yadav, Santosh Yadav @ Silwa (Petitioner), Bablu Chauhan and Jitu Chauhan all are residents of Chintamani village, Police Station Fatuha, District Patna. They had assembled together with the intention of committing crime and robbery in the village and surrounding areas. Upon search of the place where weapons were kept, three country-made pistols and 16 live cartridges and one Splendor motorcycle bearing Registration No. GJ-05-NV-3564 were recovered. A seizure list was prepared accordingly, and all items were duly seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in this case. Learned counsel for the petitioner further submits that on the statement of the co-accused, Dilip Kumar name of the petitioner has come up and there is no recovery from the conscious possession of the



petitioner. Learned counsel for the petitioner next submits that statement of co-accused Dilip Kumar has no evidentiary value in the eyes of law being hit by Section 25 and 26 of the Indian Evidence Act.

5. The learned APP opposes the anticipatory bail application.

6. Upon police raid two countrymade pistol, two live cartridges and a mobile of reliance company was recovered from the possession of co-accused, Dilip Kumar. It is on the statement of the co-accused, Dilip Kumar that the name of the petitioner has come up. Since the petitioner is alleged to have escaped from the place of occurrence, therefore, nothing was recovered from his conscious physical possession. Statement made by co-accused does not carry evidentiary value, and therefore, under these circumstance this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Ist,



Barh, Patna in connection with Pandarak P.S. Case No.168 of 2025, subject to the conditions laid down under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

Prakash Narayan

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