

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40303 of 2020**

Arising Out of PS. Case No.-5 Year-2019 Thana- PARASBIGHA District- Jehanabad

OM PRAKASH @ OM PRAKASH YADAV @ BARHU YADAV @ BARU,
Son of Bindeshwar Yaav Resident of Village- Kashichak Mathia, P.S.-
Shakurabad, Distt- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 01-03-2021 Heard Mr. Dhananjay Kumar, learned Counsel for

the petitioner and Ms. Gulnar Begum, learned Additional Public

Prosecutor for the State.

This application, for grant of regular bail, arises out
of Parasbigaha Police Station Case No. 5 of 2019, disclosing
offences under Section 414/34 of the Indian Penal Code.

The allegation, as per the First Information Report
is that the petitioner along with other accused persons were
arrested by the Patliputra police station in connection with
recovery of fire arms from them in which confessional
statement was made by the other accused persons that stolen
motorcycle was kept by them including the petitioner at the
house of co-accused, Dheeraj Kumar.



Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case inasmuch as the motorcycle in question was not recovered on the basis of confessional statement but the same was found parked in the house of Dheeraj Kuamr and Sanha was registered bearing Sanha No. 199 of 2019 in Paras Bigha police station and petitioner has falsely been implicated in this case at the behest of the police. Learned counsel next submits that similarly situated co-accused, Guddu Kumar, having four criminal cases against him, has been granted bail by a coordinate Bench of this Court vide order dated 08.06.2020 passed in Cr. Misc. No.14303 of 2020 and the petitioner is in custody since 21.02.2019, i.e., almost two years.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that similarly situated co-accused person has been granted bail by this Court and the petitioner is in custody since 21.02.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Om Prakash @ Om Prakash Yadav@ Barhu Yadav @ Baru, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty-five thousand) with



two sureties of the like amount each to the satisfaction of
learned P.K. Bharti, Judicial Magistrate, Ist Class, Jehanabad,
Patna, in connection with Parasbigaha Police Station Case No.
5 of 2019.

(Anil Kumar Sinha, J.)

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