

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5950 of 2021

Arising Out of PS. Case No.-322 Year-2019 Thana- BAKHTIYARPUR District- Patna

PREM KUMAR @ KAGA Son of Binod Yadav Resident of Village-
Madhopur, P.S.-Bakhtiyarpur, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate.

For the Opposite Party/s : Mr. H.A. Khan. APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in connection with
Bakhtiarpur P.S. Case No. 322/19 registered for the offence
punishable under Sections 399/402 of the Indian Penal Code
and under Sections 25(1-B) A, 26, 35 of the Arms Act.

As per the prosecution case, acting on a tip of
information that some culprits are assembled at the house of the
co-accused Kaushal Yadav of village Madhopur for making



planning to commit dacoity. The informant thereafter prepared a raiding party and reached there, after seeing this the culprits tried to flee away but after chase six were apprehended.

Learned counsel for the petitioner submits that one live cartridge and one loaded country made pistol have been recovered from the conscious possession of the petitioner.

It is further submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is quite innocent and has been falsely implicated in this case. He submits that the similar situated co-accused has been granted bail *vide* order dated 03.06.2020 in Cr. Misc. No. 15957 of 2020. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent as mentioned in para 3 of the bail application in which the petitioner is on bail and he is languishing in custody since 07.10.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, after framing of



charge and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Bakhtiarpur P.S. Case No. 322/19.

GAURAV S./-

(Anjani Kumar Sharan, J)

U		T	
---	--	---	--

