

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38786 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- GWALPARA District- Madhepura

Bibhishan Yadav Son of Kundan Yadav Resident of Village - Jayram Parsi,
Ward No. 01, Police Station- Gwalpara (Arar O.P.), District – Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Gwalpara (Arar O.P) P.S. Case No. 19 of 2022 lodged under
Sections 394, 302, 34 of the I.P.C. read with Section 27 of the
Arms Act.

As per the prosecution case, the criminal case has
been filed against 3 unknown criminals who alleged to make
fire on the son of the informant and robbed Rs.3,000/- from his
pocket. Due to said injury, the son of the informant died.

Learned counsel for the petitioner submits that the
present case has been filed against unknown persons and name
of the petitioner has come by virtue of self-confessional

statement. Learned counsel submits that he is in custody since 25.03.2022. There are 2 criminal cases pending against him in which he is on bail in one case and in another case, he is persuading for bail.

Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean. From the confessional statement, it transpires that he has been caught by police with fire arm sitting on motorcycle which was subject to fire. Upon specific query whether charge has been framed or not, as per the knowledge of learned counsel, charge has not been framed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail one month after framing of charge thereafter, the trial court shall release him on bail imposing its own condition so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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