

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42729 of 2023

Arising Out of PS. Case No.-863 Year-2022 Thana- BIHAR District- Nalanda

Awadhesh Kumar @ Abadhesh Prasad @ Awadhesh Yadav Son Of Lalan
Yadav Resident Of Village - Piparpati, P.S. - Kadirganj, Distt. - Patna.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-07-2023 Let the defect(s), if any, be removed within two
weeks from today.

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

3. The petitioner seeks regular bail in connection with
Bihar P.S. Case No.863 of 2023 registered on 11.11.2023 lodged
under Sections 399, 402, 414, 420 of the Indian Penal Code and
25(1-b)a/26/35 of the Arms Act.

4. As per the prosecution case, F.I.R. has been lodged
against 6 named accused persons, to whom police apprehended,
when they were entering in the town in the night.

5. Counsel for the petitioner submits that the present
F.I.R. has been lodged by virtue of apprehension and secret
information. He submits that recovery of fire arms has been

made form a Bolero jeep, from which all the six accused persons were sitting.

6. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 11.10.2022 and chargesheet has already been filed in this case. Counsel submits that a similarly situated person has been granted bail by the Co-ordinate Bench of this Court vide order dated 04.07.2023 in Cr. Misc. No.36631 of 2023.

7. Learned counsel for the State opposes the prayer for bail and submits that at the time of granting bail to the petitioner his criminal antecedent may be taken into consideration.

8. In the present facts and circumstances of this case and the submissions made above, and going through the bail of the co-accused person it has come that there are six criminal cases pending against the co-accused but there are twelve criminal cases pending against the present petitioner. In this view of the matter, I am not inclined to grant bail to the petitioner.

9. With this observation, the bail application stands rejected.

10. Liberty is hereby granted to the petitioner that he
may renew his prayer for bail, after framing of charge.

(Dr. Anshuman, J.)

Ashishsingh/-

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