

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49038 of 2022**

Arising Out of PS. Case No.-36 Year-2015 Thana- MAHESHKHUNT District- Khagaria

Hareram kumar @ hareram Yadav S/o Mahesh Yadav, resident of village-
Nijey, P.S.- Birupur, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 21-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Maheshkhunt P. S. Case No. 36 of 2015 registered for the offences punishable under Sections 399, 400, 412/34 of the Indian Penal Code and sections 25(1-b)a, 26, 35 of Arms Act.

As per the prosecution, the informant alleged that this petitioner was associated in a crime of dacoity along with the apprehended persons.

The main submissions advanced by the learned



counsel Mr. Praveen Kumar Agrawal for the petitioner are that the petitioner was not apprehended at the spot and his name surfaced in the statement of co-accused persons, who were apprehended at the alleged place and in the FIR there is no allegation against the petitioner except his name having been mentioned and the alleged offences under section 399, 400 of the Indian Penal Code and offences U/s. 25(1-b)a, 26, 35 of Arms Act of the FIR do not attract against the petitioner, who has been languishing in jail since 02.04.2022 and against him there is criminal antecedent of one case in which he is on bail and some FIR named co-accused persons namely, Arvind Kumar, Bajrangi Kumar, Mithun Kumar & Dashrath Kumar have been granted bail vide orders passed in Cr. Misc. No. 26752 of 2015, Cr. Misc. No. 27895 of 2015, Cr. Misc. No. 41020 of 2015 & Cr. Misc No. 14269 of 2017 respectively.

Learned APP Mr. Syed Mojibur Rahman appearing for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the facts that the petitioner's name in the alleged crime surfaced in the statements of co-accused persons who were apprehended at the spot and some FIR named co-accused persons are on bail as mentioned above, this court is inclined to



accept his bail prayer. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Maheshkhunt P. S. Case No. 36 of 2015.

(Shailendra Singh, J)

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