

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59180 of 2022

Arising Out of PS. Case No.-474 Year-2020 Thana- KHAIRA District- Jamui

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PRAKASH RANA Son of Late Rameshwar Rana R/V- Gurmaha
Musaharitola, P.s- Barhat, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Khaira P.S. Case No. 474 of 2020, registered for the offence punishable under Sections 147, 148, 149, 353, 307, 121, 121(A), 120(B) of the Indian Penal Code, Sections 25(1-b)a, 26, 27, 35 of the Arms Act and Sections 16, 17, 18, 19, 20, 21, 22 of the U.A.P. Act.

The allegation is regarding the police team having reached near Gidheshwar Pahar in the forest area where 8-10 nexals were present and upon seeing the police team, they started firing,



however, they had managed to flee away. It is also alleged that upon search, huge quantity of ammunitions, solar plate, mobiles etc. were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 26.2.2021. It is further submitted that only since the petitioner is an accused in two other cases, the petitioner has been falsely implicated in the present case. It is further submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court, vide order dated 18.4.2022, passed in Criminal Miscellaneous No. 9302 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials



available on record as also considering parity of the case of the petitioner with that of the co-accused person, who has already been granted bail, by a coordinate bench of this Court, apart from the fact that no recovery has been made from the conscious possession of the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 2nd, Jamui in connection with Khaira P.S. Case No. 474 of 2020.

(Mohit Kumar Shah, J)

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