

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67281 of 2023**

Arising Out of PS. Case No.-318 Year-2023 Thana- DUMRAO District- Buxar

OM PRAKASH YADAV son of Jitendra Singh Village- Bahuara Ps- Rajpur
Dist-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 19-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Dumraon (Naya Bhojpur) P.S. Case no.318 of 2023 registered under sections 399 and 402 of the Indian Penal Code and sections 25(1-B)(a) and (b), 26 and 35 of the Arms Act.

3. As per the prosecution case, on secret information having been received by the informant about the accused persons having gathered and planning to give effect to an occurrence, a raid was conducted and six named accused persons including the petitioner herein and others were arrested. It is stated that on search incriminating articles were recovered from the possession of Sonu Mahto, Virat Singh and Krishna Yadav.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even from the allegations in the F.I.R, no incriminating article was recovered from the petitioner's possession and his case stands on a better footing than that of co-accused Virat Singh and Krishna Yadav from whom incriminating articles were recovered and they have been enlarged on bail. The petitioner is in custody since 27.7.2023.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR, no incriminating article having been recovered from his possession and grant of bail to the above mentioned co-accused, the petitioner is directed to be enlarged on bail in connection Dumraon (Naya Bhojpur) P.S. Case no.318 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar.

(Partha Sarthy, J)

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