

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75018 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- NASRIGANJ District- Rohtas

Yogeshwar Prasad Son of Krishna Singh R/v- Dihri, P.S.- Nasriganj, District-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-04-2023 Let the defects, if any, pointed out by the office be removed within four 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 Nasriganj P.S. Case No. 96 of 2022 dated 19.06.2022 registered for the offences punishable under Sections 414 and 34 of the Indian Penal Code and Sections 25(1-b)a/26/27 of Arms Act.

As per the prosecution, police personnel on secret information raided the alleged house, apprehended this petitioner and recovered some stolen motorcycles from the alleged house which belongs to this petitioner. Further a country-made pistol was also recovered from the possession of

this petitioner.

The main submissions advanced by learned counsel for petitioner are that the petitioner is a very young person aged about 21 years and he has fair and clean antecedent, as per prosecution two motorcycles were recovered from inside the house of this petitioner and the rest motorcycles were recovered from outside of the petitioner's house from a hut situated near the house of the petitioner and one country-made pistol and an empty cartridge were also alleged to have been recovered from beneath the pillow upon the bed of the petitioner but all these recoveries of the materials were not made from the conscious possession of the petitioner and the house of this petitioner is in joint possession of all his family members. Further submission is that during investigation the seizure list witness Sushant Kumar Singh was not examined by the police and co-accused persons namely, Bikky Kumar @ Ravi Ranjan and Shashikant Kumar @ Kavi have been granted bail vide orders passed by the Trial Court and keeping the petitioner in jail will ruin his future career and he is ready to cooperate in his trial.

Learned APP for the State has opposed the bail prayer.

Having considered the submissions made by learned counsel for the petitioner and mainly the petitioner's young age

and his clean antecedent, in my opinion, a lenient approach can be taken in respect of the petitioner's bail prayer. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Nasriganj P.S. Case No. 96 of 2022 on the following conditions:

- 1. The petitioner shall be released after the framing of charge, if the same has not been framed.**
- 2. Both the bailors will be the parents of the petitioner.**
- 3. If, on account of appearance of any of the co-accused persons, it is not possible to frame the charge upon the petitioner then the steps will be taken to separate the petitioner's trial by the Trial Court and thereafter charge may be framed upon the petitioner as soon as possible.**

(Shailendra Singh, J)

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