

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45568 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- IMADPUR District- Bhojpur

Raushan Singh @ Chhotu Son of Pramod Kumar Singh Resident of village -
Noaon, P.S.- Bikramganj, District - Rohtas.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 59018 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- IMADPUR District- Bhojpur

Tinku Yadav son of Ambika Yadav, R/o village- Rajpur, P.S.- Imadpur,
District- Bhojpur

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 67452 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- IMADPUR District- Bhojpur

Vikash Yadav Son of Naresh Yadav, Resident of Village - Baharar, P.S.-
Sasaram Muffasil, District - Rohtas.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 4707 of 2023

Arising Out of PS. Case No.-144 Year-2021 Thana- IMADPUR District- Bhojpur



Govind Kumar son of Mahabir Singh, R/v- West English, P.S- Imadpur, Dist-
Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45568 of 2022)

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 59018 of 2022)

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

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 67452 of 2022)

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 4707 of 2023)

For the Petitioner/s : Ms.Malti Kumari, Advocate

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-02-2023 As all the criminal miscellaneous petitions have
arisen out of same P.S. case, hence they are being taken up and
decided together.

Heard learned counsels for the petitioners and the
learned APPs for the State.

Petitioners seek regular bail in connection with
Imadpur P.S. Case No. 144 of 2021 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code
and Sections 25(1-b) a/26/35 of the Arms Act.



As per the prosecution, the police personnel acting upon a secret information raided the alleged place and apprehended present petitioners and upon making search upon them from the possession of Raushan Singh @ Chhotu a country-made pistol loaded with three cartridges, a magazine and a mobile phone were recovered and from the possession of petitioner Vikash Yadav a country-made pistol loaded with three cartridges and a magazine were recovered and from the possession of petitioner Tinku Yadav a country-made pistol loaded with one cartridge, two live cartridges and two mobile phones were rerecord and from the possession of petitioner Govind Kumar three live cartridges and a mobile phone were recovered.

It is submitted by learned counsel Mr.Krishna Prasad Singh, Sr. Advocate for the petitioner Raushan Singh @ Chhotu that as per the allegation only one loaded country-made pistol with three live cartridges were recovered from possession of the petitioner and he has been languishing in jail since 28.11.2021 and there is criminal antecedent of two cases against him in which he is on bail.

It is submitted by learned counsel Mr. Manoj Kumar for the petitioner Tinku Yadav that the petitioner was arrested



with a pistol along with some cartridges as per the allegation of the prosecution and against him there is criminal antecedent of six cases in which he is on bail and petitioner has been languishing in jail since 27.11.2021.

It is submitted by learned senior counsel Mr. Krishna Prasad Singh for the petitioner Vikash Yadav that from the possession of this petitioner one country-made pistol was allegedly recovered and he has been languishing in jail since 28.11.2021 and against him there is criminal antecedent of five cases in which he is on bail and moreover all the said cases are not of similar nature like the present case.

It is submitted by learned counsel Ms Malti Kumari, for the petitioner Govind Kumar that there is criminal antecedent of two cases against him which are not of the similar nature like the present case and he has been languishing in jail since 28.11.2021.

Learned APPs appearing for the State have opposed the bail prayer of all the petitioners.

Heard both the sides and perused the FIR and the seizure list attached to the FIR.

As per the allegations, all the petitioners were apprehended while making preparation to commit *dacoity* and



from their possession the fire arms were recovered and some co-accused persons managed to escape at that time and the recovery of the said fire arms from the possession of the petitioners goes in favour of the allegation of the prosecution as to the petitioners making the preparation of committing dacoity at the relevant time and there is criminal antecedent against the petitioners.

Considering the nature of the allegation appearing against the petitioners, in the opinion of this court, petitioners do not deserve to the privileges of bail at this stage. Accordingly, their bail prayer stands rejected.

All the petitioners may renew their bail prayer after six months, if any progress in respect of their trial is not made in the said period.

(Shailendra Singh, J)

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