

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6823 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- MOKAMAH District- Patna

1. Bhushan Yadav, (M), aged about 57 years, son of Late Mohit Yadav Resident of Village- Tartar, Ward No.- 08, P.S.- Ghoswari, Dist- Patna
2. Jitendra Kumar (M), aged about 26 years, son of Bhushan Yadav Resident of Village- Tartar, Ward No.- 08, P.S.- Ghoswari, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Mokama P.S. Case No. 428 of 2023 instituted for the offence under Sections 394, 411, 414 of the Indian Penal Code.

3. As per the prosecution case, when the informant was carrying *Kirana Saman (gud)* from Patna to *Munger* by Bolero Pick-up vehicle bearing Registration No. BR01GE-7594, then on the way four unknown miscreants surrounded his vehicle and started assaulting him and one person took away his Bolero Pick-up vehicle. It is further alleged that on the point of arms, they also took away Rs. 4,000/- and a mobile phone.



Thereafter, they threatened to kill him.

4. It has been submitted on behalf of the petitioners' counsel that the petitioners are in custody since 04.11.2023. Petitioners have no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that the petitioners have been falsely implicated in the present case. It is further submitted that the petitioners are not named in the F.I.R. The name of the petitioners came during course of investigation on the basis of *Guptchar* report. It is further submitted that during the course of search, two cartoons each containing 27 kg of Gud was recovered from the house of Bhusan Yadav (petitioner no.1) and 4 cartoons each containing 27 kg Gud was recovered from the house of Jitendra Kumar (petitioner no.2). It is next submitted that the petitioners are farmer and they kept the said Gud to feed their cattle.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mokama P.S. Case No. 428 of 2023.

(Rudra Prakash Mishra, J)

Nilmani/-

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