

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12554 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- LAURIA District- West Champaran

Azad Khan Son Of Rahimullah Khan @ Ramullah Khan Village- Piparpati
PS- Yogapatti District -West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Lauriya P.S. Case No. 61 of 2023 instituted for the offence under Sections 399, 402, 413 & 414 of the Indian Penal Code and Sections 25(1-B), 26 & 35 of the Arms Act. Earlier vide order dated 30-11-2023, passed in Cr. Misc. No. 72523 of 2023, petitioner's prayer for grant of anticipatory bail was dismissed as withdrawn on account of arrest of the petitioner.

3. As per prosecution case, on 11-03-2023 at about 10:45 PM, the informant received a secret information that about seven and eight culprits assembled in a garden near Balram Petrol Pump are planning to commit crime. The



informant reached the said place along with some other police personnel but after seeing the light of police vehicle, all miscreants tried to escape. At the said place two accused persons, namely, Sonu Kumar and Sahajad Alam were apprehended from whose possession, a country made pistol, two live cartridges and mobile phones were recovered.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-11-2023. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner's name has surfaced in the confessional statement of co-accused, recorded before the police, and the same has no evidentiary value. The recovery is made from co-accused, namely, Sahajad Alam, who has been granted bail *vide* order dated 14-07-2023, passed in Cr. Misc. No. 42356 of 2023. Other co-accused have been allowed bail by a Co-ordinate Bench of this Court *vide* order dated 28-07-2023 & 13-02-2024, passed in Cr. Misc. No. 40638 of 2023 & Cr. Misc. No. 5371 of 2024, respectively.

6. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Lauriya P.S. Case No. 61 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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