

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15505 of 2024

Arising Out of PS. Case No.-577 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

Biru Kumar @ Dharambir Chaudhary @ Dharambir @ Biru S/O Dharmendra Chaudhary R/O Village- Bela, P.S- Barabar Paryatak (Visunganj-O.P), Distt.- Jehanbad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Neeraj, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 03-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Makhdumpur P.S. Case No. 577 of 2023 instituted for the offences under Sections 399, 402, 414, 420, 467, 468 of the Indian Penal Code and Section 25(1-B)A/26/35 of the Arms Act.

3. The prosecution case, in short, is that on secret information, the police raided the house of the co-accused/Kundan Kumar where two co-accused persons namely Subodh Kumar and Kundan Kumar were arrested and four persons managed to flee away from there. Both the arrested persons disclosed the names of the co-accused persons including the present petitioner. On search, one loaded Desi Katta, .315



bore live cartridge, two mobile and Rs. 1100/- were recovered from the possession of co-accused Subodh Kumar whereas one loaded Desi Katta, .315 bore live cartridge, two mobiles and Rs. 700/- were recovered from the co-accused Kundan Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to local politics. The petitioner was not arrested at the spot and his name has come in this case on the disclosures made by co-accused Subodh Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized article or the alleged occurrence. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 20.09.2023.

5. Learned counsel for the petitioner further submits that the co-accused Subodh Kumar has been granted bail by this Court vide order dated 26.02.2024 passed in Cr. Misc. No. 11147 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the claim for bail based on parity, let the petitioner, abovenamed, 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 Makhdumpur P.S. Case No. 577 of 2023.

(Rudra Prakash Mishra, J)

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