

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12427 of 2024

Arising Out of PS. Case No.-287 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

Sarvesh Kumar S/o Lakhindra Rai Resident of Village- Baliya Indrajeet, P.S.-
Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Chandra Shekhar Anand, Advocate
For the State : Mr. Ashok Kumar 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
Bochahan P.S. Case No. 287 of 2023 instituted for the offence
under Sections 401 & 34 of the Indian Penal Code and Sections
25(1-B)a, 26 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
one country made pistol from the possession of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 06-06-2023. Petitioner
bears two criminal antecedents, 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. Other co-accused has been allowed bail by a Co-ordinate Bench of this Court *vide* order dated 19-10-2023, passed in Cr. Misc. No. 68677 of 2023. There is no compliance of Section 100 of the Cr.P.C. Charge sheet has already been submitted in this case.

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, **after framing of charge, if not already framed**, 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 Bochahan P.S. Case No. 287 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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