

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13570 of 2024**

Arising Out of PS. Case No.-406 Year-2023 Thana- BATHNAHA District- Sitamarhi

1. Inarjit Kumar Yadav Son of Avadh Rai Resident of Village- Bherahiya, Ward No. 1, P.S. Malangwa, District- Sarlahi (Nepal). Presently Residing at Village- Ward No. 11, Ramnagar, P.S.- Kanhauli, District- Sitamarhi
2. Naveen Kumar Mahra Son of Nemichand Mahra Resident of Village- Bherahiya, Ward No. 1, P.S. Malangwa, District- Sarlahi (Nepal). Presently Residing at Village- Ward No. 11, Ramnagar, P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioners : Mr. Ayush Kumar, Advocate

For the State : Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

2      05-03-2024      Heard learned counsel for the petitioners and learned APP for the State.

2.      The petitioners seek bail in connection with Bathnaha P.S. Case No. 406 of 2023 instituted for the offence under Sections 399 & 402 of the Indian Penal Code (for brevity 'the IPC') and Sections 25(1-B)a, 26 & 35 of the Arms Act.

3.      Prosecution case is that on secret information police party reached near Yogiwana High School at the orchard, where there is recovery of one loaded pistol and live cartridge



from possession of petitioner no. 1, while there is recovery of one cartridge from the possession of the petitioner no. 2.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 16-09-2023. Petitioners are stated to be man of clean antecedent.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. From perusal of the FIR, it is evident that Section 399 and 402 of the IPC is not attributed against these petitioners because there were less than five persons at the place of occurrence. Nothing has been recovered from the conscious possession of the petitioners. 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 petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, clean antecedent of the petitioners and charge sheet being submitted, 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) with



two sureties of the like amount each to the satisfaction of  
Court below/concerned Court in connection with Bathnaha  
P.S. Case No. 406 of 2023.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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