

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20261 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- ISHAKCHAK District- Bhagalpur

Gaurav Hari Son of Sri Jitendra Hari Resident of Mohalla-Kathalbari, P.S.-
Barari, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Kumar Jha, Advocate
For the State	:	Mr. Akshay Lal Pandit, 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
Ishakchak P.S. Case No. 40 of 2023 instituted for the offence
under Sections 414 & 34 of the Indian Penal Code and Sections
25(1-B)a, 26, 27 & 35 of the Arms Act.

3. Prosecution case in a nutshell is that there is
recovery of one loaded country made pistol and one live
cartridge from the possession of co-accused, namely, Ravi
Kumar.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 21-03-2023. Petitioner
bears five 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. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Ravi Kumar, who has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 03-10-2023, passed in Cr. Misc. No. 58929 of 2024. Nothing has been recovered from the possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. Other co-accused has been granted bail by this Court, *vide* order dated 12-03-2024, passed in Cr. Misc. No. 15518 of 2024. It is lastly submitted that 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, manner of petitioner's implication, charge sheet being submitted 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 Ishakchak P.S. Case No. 40 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj kishore/-

U		T	
---	--	---	--

