

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23119 of 2024

Arising Out of PS. Case No.-599 Year-2023 Thana- BIRAUL District- Darbhanga

Subhash Kumar @ Subhash Kr. Yadav @ Mahakal Son of Baiju Yadav
Resident of Village- Kubotan, P.S.- Kusheshwar, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr Abdus Shakoor, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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

ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Biraul
P.S. Case No. 599 of 2023 instituted for the offence under
Sections 399, 402, 120(B), 413 & 14 of the Indian Penal Code
and Sections 25(1-B)A, 26 & 35 of the Arms Act.

3. As per prosecution case, there is recovery of one
loaded 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 15-12-2023. Petitioner is
stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. It is submitted that recovery is made from an open place which is accessible to one and all. Petitioner has no concern with the alleged recovered arm. There is no compliance of Section 100 of the Cr.P.C. 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, clean antecedent of the petitioner and charge sheet being submitted, 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 Biraul P.S. Case No. 599 of 2023.

(Rudra Prakash Mishra, J)

Raj kishore/-

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