

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27797 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- HASANPUR District- Samastipur

Vijay Yadav @ Vijay Kumar Son of Late Ramasharay Yadav Resident of
Pipra, Ward No. 06, P.S. Hasanpur, District- Samastipur

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s
Appearance :
For the Petitioner/s : Mr.Rahul Kumar Singh
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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

ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Hasanpur P.S. Case No. 7 of 2024 instituted for the offences
punishable under Sections 414, 506, 34 of the Indian Penal
Code, Sections 30(a) of the Bihar Prohibition and Excise Act
and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

3. As per prosecution case, in short, is that, one loaded



country made pistol and 8.625 liters of liquor were recovered from a Car.

4. Learned counsel for the petitioners submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioner was apprehended on spot. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. Only on the basis of suspicion, petitioner has been implicated in the present case by the police due to his criminal antecedent. The provision of Section 100 of the Cr.P.C. has not been followed in this case while preparing the seizure list. Moreover, it is submitted that the other co-accused has already been granted bail by this Bench vide order dated 02.04.2024 passed in Cr. Misc. No. 24663 of 2024. The petitioner is in custody since 12.01.2024 and he has one criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.



7. 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 Hasanpur P.S. Case No. 7 of 2024.

(Rudra Prakash Mishra, J)

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