

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25758 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- BHAGWANPUR District- Vaishali

Lalbabu @ Lalbabu Bhagat @ Lalbabu Kumar Bhagat S/o- Sri Ram Ekbal
Bhagat R/o Vill- Paru (Thengpur), P.S.- Paru, in the district of Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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

ORAL ORDER

2 03-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bhagwanpur P.S. Case No. 261 of 2023 instituted for the offence under Sections 414, 399 & 402 of the Indian Penal Code and Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. Prosecution case, in short, is that, police on secret information raided the place of occurrence. Seeing the police, the accused persons tried to flee away but three of them including this petitioner were apprehended. On search, one knife was recovered from the possession of this petitioner whereas from co-accused Arvind Sahani and Vishwajeet Pratap Singh two country-made pistols and live cartridges were recovered. It



is further alleged that one car was also seized.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13-12-2023. Petitioner bears one criminal antecedent, 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. Petitioner was not apprehended on the spot. Nothing has been recovered from the possession of the petitioner. Charge sheet has already been submitted in this case. Other co-accused has been granted bail by this Court, *vide* order dated 01-03-2024, passed in Cr. Misc. No. 12825 of 2024.

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 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



Bhagwanpur P.S. Case No. 261 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/-

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