

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32219 of 2024

Arising Out of PS. Case No.-249 Year-2017 Thana- KHUSRUPUR District- Patna

Santosh Yadav @ Santosh Don@ Balmiki Prasad @ Sanjay Kumar S/O Late
Birendra Prasad @ Virendra Prasad Yadav R/O Village- Pachrukhiya, P.S-
Khushrupur, Distt.- Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pushkar Narain Shahi, Sr. Advocate
Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mrs.Asha Devi, APP

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

ORAL ORDER

2 14-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Khushrupur P.S. case
No. 249 of 2017 instituted for the offences under Sections 399,
402 of the Indian Penal Code, 25(1-B)a, 26, 35 of the Arms Act
read with Section 37(C) of the Bihar Prohibition and Excise
Act, 2016.

3. Prosecution allegation, in short, is that on seeing the
police party, the accused persons started fleeing away but the
police apprehended four of them and from their possession, one
loaded revolver and two live cartridges were recovered. Some
accused persons managed to flee away.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that the officer-in-charge of the case was having land dispute with the petitioner with regard to purchase of 7 decimal of land and just to teach the lesson, the petitioner has been falsely implicated in the present case. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. Charge-sheet has been submitted in this case. The petitioner has been remanded in the present case from Khushrupur P.S. case No. 60 of 2023 on 27.02.2024 and since then he is in custody. The petitioner has 13 criminal antecedents in which he is on bail. Co-accused have been granted bail by the Court below itself.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. The petitioner has criminal antecedents. Thus, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the charge-sheet being submitted, this Court is inclined to



grant bail to the petitioner.

7. Let the petitioner be released on bail *after framing of charge, if not already framed*, 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 Khushrupur P.S. case No. 249 of 2017.

(Rudra Prakash Mishra, J)

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