

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39652 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Biraju Kumar S/O Suresh Yadav Resident of Village-Baidi, P.S.-
Bakhtiyarpur, District- Saharasa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 03-06-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Simri Bakhtiyarpur P.S. Case no. 34 of 2024 registered under sections 399 and 402 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, the informant states that on receiving information that the accused persons had gathered and were planning to give effect to an occurrence, a raid was conducted. The petitioner was caught at the place of occurrence and on search a knife and a mobile phone was recovered from his possession while firearm etc. were recovered from the possession of coaccused.



4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. He was neither arrested at the spot nor any incriminating article has been recovered from his possession. The petitioner is in custody since 2.2.2024 and has no criminal antecedent. Chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., no incriminating article having been recovered from his possession, his being in custody since 2.2.2024 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Simri Bakhtiyarpur P.S. Case no. 34 of 2024 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa.

(Partha Sarthy, J)

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