

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40204 of 2024

Arising Out of PS. Case No.-583 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Dharmendra Yadav Son of Ramji Yadav Resident of village - Lalpur, P.S.-
Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 05-06-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bakhtiyarpur (B.K.P.) P.S. Case no.583 of 2023 registered under section 414 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 being signalled to stop, two accused persons, who were on a motorcycle, made an attempt to escape. While one of them managed to escape and was later identified as the petitioner herein, one of them was caught and from his possession, a country made pistol was recovered.

4. Learned counsel for the petitioner submits that



neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. The cause of his false implication is his antecedent. The only material against the petitioner is the statement of a co-accused made before police. The petitioner is in custody since 13.3.2024 and undertakes to cooperate 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., the petitioner not having been arrested at the spot nor any incriminating article having been recovered from his possession together with the petitioner having remained in custody since 13.3.2024, the Court directs the petitioner to be enlarged on bail in connection with Bakhtiyarpur (B.K.P.) P.S. Case no.583 of 2023 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 J.M. 1st Class, Saharsa.

(Partha Sarthy, J)

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