

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48741 of 2024

Arising Out of PS. Case No.-295 Year-2023 Thana- BARGAINIA District- Sitamarhi

Sanjay Yadav S/o- Gauri Rai @ Gauri Shankar Yadav @ Gourishankar Ray
Village- Shivanagar Ashogi Ps- Baigania Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, Adv.

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

ORAL ORDER

3 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Baigania P.S. Case No. 295 of 2023 instituted for the offences
under Sections 399, 402 of the Indian Penal Code and Section
25(1-b)a, 26/35 of the Arms Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police force, 6-7 accused persons started fleeing away
but, two of them namely Rohit Kumar and Bharat Kumar were
apprehended. On search, a country-made pistol with live
cartridges were recovered from Bharat Kumar @ Lalu and one
live cartridge was also recovered from the possession of Rohit



Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not caught on the spot and nothing incriminating has been recovered from his conscious possession. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the arrested co-accused Bharat Kumar @ Lalu who has been granted bail by this Court itself vide order dated 29.04.2024 passed in Cr. Misc. No. 14721 of 2024. The petitioner has no concern with the alleged occurrence. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 11.03.2024 without any rhymes or reason. Charge-sheet has been submitted.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Bairgania P.S. Case
No. 295 of 2023.

(Rudra Prakash Mishra, J)

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