

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54308 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- BARHARA District- Bhojpur

1. VIPUL KUMAR SON OF KRISHNA PASVAN RESIDENT OF VILLAGE - SURAJ NAGAR SEMRA, P.S. - BARAHARA, DISTRICT - BHOJPUR
2. YASHVANT KUMAR SON OF KRISHNA PASVAN RESIDENT OF VILLAGE - SURAJ NAGAR SEMRA, P.S. - BARAHARA, DISTRICT - BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seeks bail in connection with Barahara P.S. Case No. 176 of 2024 instituted for the offences under Sections 399, 402, 414 of the Indian Penal Code and 25(1-b)a, 26, 35 of the Arms Act.

3. Prosecution case, in short, is that, police on the basis of secret information that some miscreants are planning to commit crime, raided the place and apprehended three accused persons including these petitioners. On search, one mobile phone, one pointed object along with one live cartridge was recovered from petitioner no.1 whereas one mobile and one



loaded country-made pistol was recovered from petitioner no.2.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating/looted article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted that petitioners were not assembled at the place for commission of any loot rather they were going to their relative's house, and on the way, the scuffle took place with the truck drivers who were creating nuisance for loading the sand and, thereafter, the police started lathi-charge which created rampant and due to which these petitioners also started fleeing away from the place of occurrence but on suspicion, have falsely been implicated in the present case. Learned counsel further submitted that petitioners have not committed any overt act. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioners that the petitioners are in custody since 04.05.2024 and have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent as also the period of custody undergone by the petitioners, this Court is inclined to grant bail



to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barahara P.S. Case No. 176 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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