

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83445 of 2023

Arising Out of PS. Case No.-778 Year-2023 Thana- KHAGARIA District- Khagaria

Mukesh Kumar @ Mukesh Yadav Son of Sipahi Yadav Resident of Village -
Jangli Tola, P.S. - Mufassil, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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

ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Khagaria P.S. Case No. 778 of 2023 instituted for the offences
under Section 414 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 arrested the co-accused/Anil Giri boarded on
Scorpio vehicle and on search, a railway ticket was recovered.
Thereafter, the bag was searched from which six pistols, 12
magazines, cash amounting Rs. 2,000/-, a black colour mobile
phone and Aadhar Card were also recovered. On the disclosures
of Anil Giri, complicity of the present petitioner was found.



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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and the name of the petitioner has surfaced in this case on the disclosures made by the co-accused Anil Giri. He further submits that the Scorpio vehicle, in question, is in the name of the brother of the petitioner and the petitioner has no concern with him. The petitioner has also no concern with the seized article. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 03.08.2023.

5. Learned counsel for the petitioner again submits that the aforesaid co-accused Anil Giri has been granted bail by this Court vide order dated 15.03.2024 passed in Cr. Misc. No. 18474 of 2024.

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

7. 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 and the prayer for bail based on parity, 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 Khagaria P.S. Case No. 778 of 2023.

(Rudra Prakash Mishra, J)

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