

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 85914 of 2023**

Arising Out of PS. Case No.-688 Year-2023 Thana- FATEHPUR District- Gaya

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1. Kundan Yadav @Kundan Kumar son of Dinesh Kumar Singh village- Prajatantra chowk, Nawada town, P.S.-Nawada Town, District-Nawada
  2. Nitish Kumar son of Jagdish Prasad Sharma village-Par Nawada Teli Tola, P.S.-Nawada Town, District-Nawada

... .. Petitioner/s

Versus

The State of Bihar and Ors BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Sunil Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      11-01-2024                      Heard learned counsel for the petitioners and  
learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under section 414, 467, 468 of the Indian Penal Code.

3. As per FIR, the petitioners along with others was apprehended on the spot and two motorcycles were also recovered from their possession.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case merely on the basis of suspicion. The petitioners have no concern with the alleged



recovery and also with other co-accused persons. No any incriminating article has been recovered from conscious possession of the petitioners. It is further submitted that Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 18.09.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail **after framing of charge, if not framed**. The above named petitioners are directed to be released on bail in connection with Fatehpur P.S. Case No. 688 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya.

(Sunil Kumar Panwar, J)

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