

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88048 of 2024

Arising Out of PS. Case No.-507 Year-2023 Thana- PARBATTa District- Khagaria

Kare Yadav @ Niranjana Kumar S/o Late Brahmdeo Yadav Resident of
village-Badi Lagar,. P.S- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Parbatta
P.S. Case No. 507 of 2023 instituted for the offences under
Section 414 of the Indian Penal Code and Section 25(1-A),
25(1-AA), 25(1-B)A, 26(i)(ii)(iii), 35 of the Arms Act.

3. The prosecution case, in short, is that there is a
recovery of two country-made pistols, five live cartridges, 16
bullets and other articles from the house of one Kailu Sharma.

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
due to village politics. The name of the petitioner has surfaced



in this case on the basis of extra judicial confession of apprehended accused Kailu Sharma @ Kailash Sharma before the police. The petitioner has no concern with the alleged recovered arms and ammunition. The petitioner was neither arrested on spot nor anything incriminating has been recovered from his possession. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and, in all of them, he is on bail and is languishing in judicial custody since 15.10.2024 without any rhyme or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Nikhil Sharma, Ashik Kumar @ Ashish, Rupesh Kumar and Md. Moin @ Md. Moen have been granted bail by this Court vide orders dated 04.04.2024, 26.04.2024, 26.04.2024 and 01.05.2024 passed in Cr. Misc. Nos. 25079 of 2024, 32133 of 2024, 32412 of 2024 and 33534 of 2024 respectively.

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, the period of custody of the petitioner and the claim for bail



being 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 Parbatta P.S. Case No. 507 of 2023.

(Rudra Prakash Mishra, J)

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