

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1255 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- BELHAR District- Banka

Rajesh Yadav, Son Of Late Muso Yadav Resident Of Village- Nemiya, Police Station- Belhar, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Belhar P.S. Case No. 404 of 2023, lodged on 18.09.2023 under Sections 307 of the Indian Penal Code read with section 25(1-b)a/26/27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against the petitioner alleging therein that he has attacked upon the police by way of firing when the police was surrounded the petitioner to surrender. Subsequently, the petitioner was apprehended and from his possession, one pistol and cartridges have been recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



also submits that due to enmity with the police, the name of the petitioner has been figured in this case and in another case also. Counsel further submits that there are in total two cases pending against the petitioner other than the present one and in one case the petitioner is on bail and in another, he is persuading for bail.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 18.09.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that pistol and cartridges have been recovered by which he has fired on police.

7. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Belhar P.S. Case No. 404 of 2023, pending before the learned Chief Judicial Magistrate, Banka is hereby rejected.

9. Liberty is hereby granted to the petitioner that he may renew his prayer for bail, six months after framing of charge.

(Dr. Anshuman, J.)

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