

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2823 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- ROSHANGANJ District- Gaya

Binay Kumar @ Binay Prasad @ Vinay Prasad, aged 37 years, Gender-Male,
Son of Suresh Prasad, Resident of Village- Kubri, P.S. -Roshanganj, District-
Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhavesh Kumar, Advocate

For the Opposite Party : Mr. Kumar Veerendra Narayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Roshanganj P.S. Case No. 85 of 2024 dated 18.07.2024
registered for the offences punishable under Sections 25(1-B)
(a), 26, 35 of the Arms Act and Sections 10, 13, 17 and 20 of the
UPA Act.

3. As per the prosecution case, one Iron made pistol
with magazine, two live cartridges, two mobile phones, one
man-pack of black colour and five Airtel Company Sim Cards
were recovered from the house of the petitioner and he also
confessed that he was an active member of a Naxal Group.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in the present case. No incriminating article has been recovered either from his possession or from his house. It is further submitted that the Sohail Police was in hectic search without any clue in respect of the petitioner in Sohail P.S. Case No. 26 of 2024. He is neither named in the said F.I.R. nor till date he has been booked in the said case and this fact finds support from perusal of Sohail P.S. Case No. 26 of 2024. The petitioner has falsely been implicated in the present case because the petitioner has past criminal antecedents and moreover he has changed his life in the year 2018 itself and was engaged in Agriculture work and was attending the court regularly but the police is behind him for extraneous consideration and has booked him in the present case without any legal evidence. The seized mobile phones and SIM Cards is the property of the petitioner and his family members and rest of the articles has been planted for booking him in the present false case though it was found in the abandoned state. The petitioner has fourteen (14) criminal antecedents and in thirteen (13) cases, he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 19.07.2024.

5. Learned A.P.P. for the State has opposed the prayer



for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Sherghati, Gaya/or his successor in office in connection with Roshanganj P.S. Case No. 85 of 2024 with further conditions:-

- I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.
- II. If the petitioner is found involved in any other similar nature of offence, his bail bond is liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

