

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19502 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

Abhishek Kumar @ Abhishek Pandit Son of Shri Munna Mishra Village-
Cheriya Bariyarpur Ward no.14, P.S- Cheriya Bariyarpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Smt. Sudha Ambastha, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is in custody in a case registered for an
offence punishable under Sections 399, 402, 353, 307 of the IPC
and Sections 25(1-B)(a)/26,27,35 of the Arms Act and Sections
8, 20, (B), II B of the NDPS Act.

3. As per the prosecution case, police received secret
information that some miscreants are making plan for
committing dacoity after which the police conducted raid at the
certain identified place and two accused persons were
apprehended on the spot who disclosed the name of the other
co-accused persons, who fled away from the spot after seeing
the police party after opening fire. After investigation the police



recovered two country made *katta*, three live cartridges, about 2 kg of ganja, and empty cartridge from the accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner is in custody since 16.08.2024. She further submits that petitioner has got one criminal antecedent as stated in para-3 of the bail petition. She further submits that petitioner was not arrested on the spot and name of the petitioner has been transpired on the basis of confessional statement of the co-accused person and no incriminating article has been recovered from the conscious possession of the petitioner. She next submits that similarly situated co-accused persons, namely, Prince Kumar and Karan Kumar have got regular bail from a co-ordinate Bench of this Court passed in Cr. Miscellaneous No.67103 of 2024 dated 01.10.2024 and Cr. Miscellaneous No.10842 of 2025 dated 14.02.2025, respectively.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and submission made on behalf of the learned counsel for the petitioner and also the fact that similarly situated co-accused persons have already granted bail by a co-ordinate



Bench of this court, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, NDPS, Begusarai in connection with Cheriya Bariyarpur P.S. Case No.92 of 2024.

(Ramesh Chand Malviya, J)

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