

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33497 of 2025

Arising Out of PS. Case No.-283 Year-2024 Thana- BARARI District- Katihar

Vicky @ Vicky Kumar @ Vikram Kumar son of Rajesh Mahto Resident of
Village- Barinagar Ashram Tola, P. S- Barari, District- Katihar
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 34349 of 2025

Arising Out of PS. Case No.-283 Year-2024 Thana- BARARI District- Katihar

Upen Mirdha @ Upeen Mirdha S/o Lakshman Miradha R/o Village- Gidha
Bari (Bandh Balua), P.S.- Barari, District- Katihar
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 34812 of 2025

Arising Out of PS. Case No.-283 Year-2024 Thana- BARARI District- Katihar

Md. Junaid @ Junaid @ Md. Janabul S/o Md. Kabir R/o Husaina, P.S.-
Barari, Distt.- Katihar
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 33497 of 2025)
For the Petitioner/s : Mr.Rajendra Prasad Sah
For the Opposite Party/s : Mr.Shailendra Kumar
(In CRIMINAL MISCELLANEOUS No. 34349 of 2025)
For the Petitioner/s : Mr.Rajendra Prasad Sah
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala
(In CRIMINAL MISCELLANEOUS No. 34812 of 2025)
For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Dashrath Mehta



CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 27-05-2025 All the three Cr. Misc. applications have arisen out of the same occurrence and as such they have been heard together and are being disposed of by passing this common order.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners have preferred this application for grant of regular bail in connection with Barari P.S. Case No. 283 of 2024 registered for the offences punishable under Sections 310(4), 310(5) of BNS and Section 25(1-b)(a), 26 and 35 of the Arms Act.

4. As per the prosecution story, the informant being a police official has alleged that on 19.09.2024, on secret information, police raided the house of Md. Aslam. Upon search, one loaded country made pistol, one live cartridge one mobile phone have been recovered from the possession of **Vicky**. One loaded sixer (loaded with two bullets), one mobile phone have been recovered from **Chandan Kumar**. Two live cartridges and one mobile phone have been recovered from the possession of **Nawaz Shareef**.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in



this case. Nothing incriminating has been recovered from the possession of the petitioners. As per the prosecution story, house of Md. Aslam was raided by the police and from there, four persons including the petitioners and others were apprehended but surprisingly the petitioner was shown of having in possession of loaded country made Katta/pistol and cartridges and one mobile phones. No independent witnesses have supported the allegation levelled against the petitioner. Other co-accused persons have been granted bail by two Co-ordinate Benches of this Court vide order dated 02.12.2024 passed in Cr. Misc. No. 82619 of 2024, order dated 12.12.2024 passed in Cr. Misc. No. 83714 of 2024, order dated 20.02.2025 passed in Cr. Misc. No. 83161 of 2024 and order dated 28.03.2025 passed in Cr. Misc. No. 10848 of 2025.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners.

7. Keeping in view the aforesaid facts and considering the period under custody, let the petitioners, above named, be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned D.A.S.J.-IX, Katihar in connection with Barari P.S. Case No. 283 of 2024



subject to the following conditions :-

- (i). Petitioners will remain physically present in trial on each and every date till the disposal of the case failing which, on two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.
- (ii). One of the bailor shall be his family member.

(S. B. Pd. Singh, J)

Prabhakar/-

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