

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82888 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- KHARIK District- Bhagalpur

1. Pappu Yadav S/o- Gajadhar Yadav Residents of village- Lattipur PS- Bihpur District-Bhagalpur
2. Shiva Yadav @ Shivam Kumar @ Shiva @ Shivam Yadav S/o- Bouku Yadav Residents of village- Lattipur PS- Bihpur District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Kharik P.S. Case No. 195 of 2024 instituted for the offence under Sections 191(2), 191(3), 190, 308(2), 308(5), 303(2), 109 & 352 of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. Prosecution case in short is that all the FIR named persons, including the petitioners came to the Lattipur Chowk and looted Rs. 32,500/- from Fulo Mandal & Rs. 7,000/- from Sudhir Singh and Rs. 42,000/- from the informant and made indiscriminate firing for several rounds.



4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 02-09-2024. Petitioner No.1 bears fourteen criminal antecedents whereas petitioner No.2 bears one criminal antecedent.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. No specific allegation has been attributed to the petitioners. Since petitioners and villagers are co-villagers, hence due to village politics and personal grudges, informant has named these petitioners. Petitioners are labours. Police after investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, this Court is inclined to grant bail to the petitioner No.2, namely, Shiva Yadav @ Shivam Kumar @ Shiva @ Shivam Yadav. Accordingly, prayer for bail of *petitioner No.2*, namely, Shiva Yadav @ Shivam Kumar @ Shiva @ Shivam Yadav is *allowed*.

8. Let the petitioner No.2, Shiva Yadav @ Shivam Kumar @ Shiva @ Shivam Yadav, be released on bail, *after framing of charge, if not already framed*, 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 Kharik P.S. Case No. 195 of 2024.

9. So far as *petitioner No.1*, namely, Pappu Yadav is concerned, taking into account his fourteen criminal antecedents as also the nature and gravity of the offence, this Court is not inclined to grant bail to petitioner No.1, namely, Pappu Yadav. Accordingly, prayer for grant of bail to petitioner No.1, namely, Pappu Yadav is *rejected*.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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