

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 33280 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -NATHNAGAR District- BHAGALPUR

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Shivajee Rajak, Son of Late Rameshwar Rajak, resident of Village- Naya Tola Mirzapur, P.S. Madhusudanpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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For the Petitioner/s : Mr Janki Nandan Prasad, Advocate
For the State : Mr Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **20-07-2017** Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks bail in a case registered under Sections 399/402 of Indian Penal Code and Sections 25 (1-B)a, 26/35 of Arms Act.

It is submitted on behalf of the petitioner that allegedly from the possession of the petitioner, 12 cartridges have been recovered. It is further submitted that prior to the instant case, the petitioner has no criminal antecedent and that he has falsely been implicated in this case due to village politics and that on the alleged date of occurrence, he was present in the house. He further submits that in the instant case, he is in custody since 08.02.2017. He also brings to the notice of this Court order dated 11.07.2017 passed by a coordinate Bench of this Court in Cr Misc No 26792 of 2017 in the case of co-accused *Santosh Kumar* who



has been granted bail.

In the light of the aforesaid submissions, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in Nathnagar (Madhusudanpur) Police Station Case No 39 of 2017.

With following conditions:

- (i) *One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.*
- (ii) *The petitioner will not induce any witness or tamper with the evidence.*
- (iii) *The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the Court and in the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.*
- (iv) *In future, if his active participation is found in similar type of cases, his bail bond shall automatically be cancelled.*

(Madhuresh Prasad, J)

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