

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32674 of 2019

Arising Out of PS. Case No.-151 Year-2018 Thana- RAJEPUR District- East Champaran

AJAY KUMAR Son of Late Suresh Rai Resident of Village - More, P.S.-
Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 10-07-2019 Heard learned counsel for the parties.

Earlier the bail of the petitioner was rejected vide order dated 28.01.2019 in Criminal Miscellaneous No. 4376 of 2019 with liberty to renew his prayer for bail after completing one year of Jail custody.

Learned counsel for the petitioner submits that after rejection of the bail of the petitioner, the petitioner filed S.L.A Cri. No. (S) 2656 of 2019 before the Hon'ble Supreme Court for grant of bail which was disposed of vide order dated 02.04.2019 with liberty to file fresh bail application before the High Court after one month from the date of order.

Petitioner seeks bail in **Rajepur P.S. Case No. 151 of 2018** registered for the offence punishable under Sections 414, 120B of the Indian Penal Code, 25(1-b)a, 26 and 35 of the Arms



Act, and Section 30(a) of Bihar Prohibition of Excise Act, 2016.

Allegation against the petitioner is of recovery of one loaded country made pistol, one live cartridge and one mobile phone.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that the Alto Car does not belong to the petitioner. Chargesheet has been submitted in this case. Similarly, situated co-accused person namely Devanand Rai has been granted bail by a co-ordinate bench of this Court vide order dated 28.03.2019 passed in Criminal Miscellaneous No. 21519 of 2019. Petitioner is in custody since 09.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Special Judge Excise, Motihari (East Champaran)**, in connection with **Rajepur P.S. Case No. 151 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without



sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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