

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29147 of 2020**

Arising Out of PS. Case No.-474 Year-2019 Thana- MAHUA District- Vaishali

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RAJA @ PRINCE @ SARFRAJ S/o Md. Ayub Resident of Village-
Hathsarganj, P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 22-12-2020 Heard learned counsel for the petitioner and Mr. Md.
Aslam Ansari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mahua P.S. Case No. 474 of 2019 registered for the offence punishable under Section 395/397 of the Indian Penal Code.

Learned counsel for the petitioner submits that his name has transpired in the confessional statement of the co-accused and then a confessional statement has been extracted by police from the petitioner after taking him on remand in connection with this case. Petitioner has been in custody since 19.03.2020, nothing has been recovered from his possession and he has not been identified by anybody.

Learned counsel submits that so far as the other three cases against the petitioner are concerned, he is on bail in the cases



mentioned at serial no. 1 & 2. It has been submitted that his prayer for bail is pending in this court in Mahua P.S. Case No. 625/2019 dated 13.07.2019 under Section 394 I.P.C.

Learned A.P.P. for the State submits that although in connection with the present case the petitioner has been taken on remand from another case but on perusal of the case diary it would appear that the associates of this petitioner were nabbed by police while they were fleeing away after committing dacoity in village Belkunda and in the early morning on 20.08.2019 this petitioner was arrested by police on chase along with co-accused and from his possession loaded pistol was recovered together with some looted articles.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the petitioner has been taken in this case on remand from the aforesaid case in which he was arrested being Sadar Hajipur P.S. Case No. 552/2019. It is the submission of learned counsel for the petitioner that the petitioner is on bail in the said case and in this connection he claims to have filed a supplementary affidavit on 02.12.2020, considering the fact that in this case he has not been identified and nothing has been recovered as also that he is in custody for more than nine months and the trial is not likely to be concluded in near future, let the petitioner above-named be released on bail in this case on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Vaishali in connection with Mahua P.S. Case No. 474 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Further condition that henceforth, till conclusion of the trial, the petitioner shall appear before the Officer-in-Charge of Mahua Police Station every month and get his attendance recorded. In case, he is required to go outside the jurisdiction of the Police Station in connection with any employment, he will furnish his complete address particulars and mobile numbers to the Officer-in-Charge and shall be in contact with him, failure to do so



will result in the Officer-in-Charge making an application in the learned court below for cancellation of bail bond of the petitioner and learned court below shall take steps to cancel the bail bond of the petitioner in such circumstances.

The petitioner shall also cooperate in course of trial and two consecutive defaults in putting appearance before the learned court below will invite cancellation of bail bond.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

