

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29198 of 2020**

Arising Out of PS. Case No.-363 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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MD. RAJA KHAN @ ARBAZ @ UJJAWAL @ UJALE S/o Md. Hakim
Mian @ Md. Hakim @ Islam Resident of Village-Sain Brijlal Ke Tola, P.S.-
Kanti, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 09-11-2020 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

This is the second attempt of the petitioner to obtain
regular bail in connection with Kanti P.S. Case No. 363 of 2019
registered for the offences punishable under Sections 25(1-B)A,
26/35 of the Arms Act.

Learned counsel for the petitioner submits that earlier this
Court had rejected the prayer for regular bail of the petitioner vide
order dated 11.12.2019 passed in Cr. Misc. No. 74068 of 2019 after
noticing that the petitioner has been arrested with loaded pistol, had
remained in custody for six months but had got three criminal



antecedents on his head and it was not stated in the petition whether this petitioner is on bail in those cases. This Court had, however, granted liberty to the petitioner to renew his prayer for bail after a reasonable time.

Learned counsel for the petitioner submits that the petitioner is on bail now in all those three cases which are stated in paragraph '3' of the present application and so far as this case is concerned, he has remained in custody in connection with this case for almost one and half year. Learned counsel, therefore, prays for release of the petitioner on bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein the petitioner has been granted bail in the three cases mentioned in paragraph '3' of the application and in connection with the present case he has been in jail since 25.03.2019, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., West Muzaffarpur in connection with Kanti P.S. Case No. 363 of 2019, subject to the condition as laid down under Section 437 (3) 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.

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.

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 steps for cancellation of bail bond of the petitioner.

And further condition that in case the petitioner is found involved in another case of similar nature, the investigating officer shall take steps for cancellation of bail of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

