

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13550 of 2021**

Arising Out of PS. Case No.-270 Year-2020 Thana- BARHARIA District- Siwan

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AJIT @ BHANU Son of Sudarshan Sah Resident of Village - Babhnauli, P.S.-
Mahadeva (O.P.), District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Masoom Alam, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Barharia P.S. Case No. 270 of 2020 registered

for the offences punishable under Sections 147/148/149/

332/333/399/402/413/414/304/353 of the Indian Penal Code and

Sections 25(1-b)a/26/27/35 of the Arms Act.

As per the prosecution story, the informant got secret

information that some miscreants are to commit serious crime

and have assembled at the house of one Manoj Singh @ Langra.

The police team raided the house of Manoj Singh @ Langra and surrounded his house. The miscreants started firing on the police team and in reply police counter fired in which one person got injured and six persons, hidden in the house, were arrested including this petitioner. Upon search one loaded country-made pistol was recovered from the possession of this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that there is no specific allegation of firing against this petitioner and the similarly situated co-accused has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 18875 of 2021. Learned counsel submits that the petitioner is in custody since 03.09.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that from possession of this petitioner one loaded country-made pistol was recovered, the petitioner has, however, no criminal antecedent, he has remained in custody in connection with this case since 03.09.2020 and that the co-

accused Golu Kumar who is similarly situated has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 18875 of 2021, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Siwan in connection with Barharia P.S. Case No. 270 of 2020 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 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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'.