

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16339 of 2021**

Arising Out of PS. Case No.-714 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

AJAY KUMAR S/O Baldeo Paswan Resident of Mohallah - Nazirpur Bandh
Road, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 01-07-2021 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.

The petitioner in the present case is seeking regular bail in
connection with Ahiyapur P.S. Case No. 714 of 2020 registered for
the offences punishable under Sections 414, 412 of the Indian Penal
Code and 25(1-b), 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the
prosecution story, one loaded country-made pistol and sum of Rs.
35,000/- were recovered from the conscious possession of this
petitioner.

Learned counsel submits that the petitioner is innocent and
has falsely been implicated in the present case. It is submitted that



similarly situated co-accused Akhilesh Paswan has been granted bail. The petitioner is in custody since 31.8.2020 having no criminal antecedent.

Learned APP 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 live cartridge and sum of Rs. 35,000/- only was allegedly recovered, the co-accused Akhilesh Paswan from whose possession country-made loaded pistol was recovered has been granted bail, the petitioner has no criminal antecedent, however, after this case he has been taken on remand in another case, he has remained in custody in connection with this case for about ten months, investigation against him is complete but the trial is not likely to be concluded in near future, in the circumstances this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M. Muzaffarpur in connection with Ahiyapur P.S. Case No. 714 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

