

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17532 of 2021**

Arising Out of PS. Case No.-38 Year-2013 Thana- SALAIYA District- Aurangabad

TYAGI JEE @ BABA @ CHANDESHWAR RAJAK SON OF KARAMU
RAJAK R/O VILLAGE- PACHARIYA, P.S.- RAFIGANJ, DISTRICT-
AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 04-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 414 of the Indian Penal Code, sections 25(1-B)(a) and 26 of the Arms Act, sections 3 and 4 of the Explosive Substance Act and section 17 of the CLA Act.

As per allegations in the FIR, on receiving secret information a raid was conducted. Information was received that the 15 named accused persons including the petitioner herein who are involved in several cases had hidden various arms and ammunitions, details of which have been given in the FIR. It is stated that on search bunker, rifle, magazine, uniforms and other



explosive substances were recovered.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the person or possession of the petitioner who has been falsely implicated in the case because of his antecedent. The case of the petitioner stands on a similar footing to that of co-accused Bishundeo Mistry who has been enlarged on bail vide order dated 30.6.2020 passed in Cr. Misc. no. 24602 of 2017. The petitioner is in custody since 17.10.2016 and there is no likelihood of the trial concluding in the near future.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for over 4 year 10 months, the Court directs the petitioner to be enlarged on bail in connection with Salaiya P.S. Case no. 38 of 2013 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge, Aurangabad.

In view of the facts of the case, it is directed that the petitioner shall remain physically present in Court on each date



of the trial and in case of his absence on any single date for reasons not to the satisfaction of the learned trial court, the learned trial court may cancel the bail bond of the petitioner and take him into custody.

(Partha Sarthy, J)

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