

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19480 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- BALIGAON District- Vaishali

Md. Kazmi, Son Of Md. Parvez, resident of village- Chakjado, P.S. Baligaon
Dist. Vaishali (Hajipur).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachchidanand Choudhary, Adv.

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

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

3 08-10-2021 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 Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Baligaon P.S. Case No.90/2020 registered for the offences punishable under Sections 399, 402 and 414/34 of the Indian Penal Code and Sections 25(1-B)1, 26 and 36 of the Arms Act. He is in custody since 04.08.2020.

As regards the criminal antecedent, learned counsel for the petitioner submits that in paragraph '3' though it is stated that the petitioner has got one criminal antecedent, but a supplementary affidavit has been filed on 10.09.2021 stating that the petitioner has two more cases and in all the three cases he is on bail.



Let such supplementary affidavit be placed on the record.

Learned counsel for the petitioner submits that allegedly from the possession of this petitioner one loaded country made Katta, one .315 bore live cartridge and one mobile have been recovered. It is submitted that in this case the petitioner has remained in custody for more than one year and at this stage if released on bail the petitioner is ready to abide by the terms and conditions which may be imposed upon him for the purpose of bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner was arrested with loaded country made katta and a live cartridge.

Considering the materials placed before this Court and the criminal antecedents of the petitioner as also the period of custody and the fact that the investigation is complete in this case, this Court directs that the petitioner above named be released on bail 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, Hajipur, Vaishali in connection with Baligaon P.S. Case No.90 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And further condition that henceforth once in every two months the petitioner shall mark his attendance before the S.H.O. of Baligaon police station in the District of Vaishali at Hajipur and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Baligaon police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

(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'.

