

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19824 of 2021

Arising Out of PS. Case No.-86 Year-2020 Thana- KAJRA District- Lakhisarai

Md. Tahir, Son of Israfil Nat @ Isarafil, Resident of Village - Urain, P.S.-
Kajra, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaukat Alam, Advocate
For the Opposite Party/s : Mr. Suehetu Yadav, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 07-12-2021 The applicant/accused in Crime No. 86 of 2020 registered with Kajra Police Station for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act as well as Sections 20, 38 and 39 of the U.P.A. (Unlawful Activities Prevention) Act, at the instance of first informant Randhir Kumar Singh-PSO, by this application is seeking his release on bail after filing of the charge sheet.

Heard the learned counsel appearing for the applicant/accused. He argued that co-accused placed in same situation namely Shailendra Kumar Singh has been released on bail by a coordinate Bench of this Court vide order dated 29.07.2021 passed in Criminal Misc. No. 26396 of 2021. He further submits that the applicant is behind the bars from 21.08.2020.



Learned Additional Public Prosecutor opposed the application by contending that the applicant was apprehended from the spot itself.

I have considered the the submissions so advanced and also perused the materials placed before me.

Co-accused at whose home the meeting was being held namely Shailendra Kumar Singh was apprehended on the spot. He was having one loaded country made pistol with two live cartridges. He is already released on bail by a coordinate bench of this Court vide order dated 29.07.2021 passed in Criminal Misc. No. 26396 of 2021. Similar are the allegations against the applicant who is stated to be in possession of country made revolver with two bullets. Hence on the principle of parity, the application deserves to be allowed and is allowed. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 86 of 2020 registered with Kajra Police Station for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act as well as Sections 20, 38 and 39 of the U.P.A. (Unlawful Activities Prevention) Act be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing



surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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