

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21125 of 2020

Arising Out of PS. Case No.-109 Year-2019 Thana- ARA NAGAR District- Bhojpur

GUDDU MIYA @ GUDDU CHOR Son of Md. Jaleel @ Md. Jalil Miya
Resident of Mohallah- Kasai Tola, P.S.- Ara Town (Ara Nagar), District-
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2021 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 Ara Nagar P.S. Case No.109/2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no specific allegation of firing against the petitioner and he is said to be the member of the mob. It is submitted that two similarly situated co-accused Alim and Chhotu have been granted bail by learned coordinate Benches of this Court in Cr.Misc. No.37552 of 2019



and Cr.Misc.No.11045 of 2020.

Learned counsel for the informant and learned APP for the State have though opposed the prayer for bail of the petitioner, but they are otherwise unable to demonstrate that the case of this petitioner stands on a different footing from those who have been granted bail by learned coordinate Benches of this Court.

Having regard to the facts and circumstances of the case wherein the petitioner is though named in the F.I.R. but there is no allegation against him of firing and injuring anybody, he is said to be the member of the mob, two similarly situated co-accused Alim and Chhotu have been granted bail by learned coordinate Benches of this Court in Cr.Misc. No.37552 of 2019 and Cr.Misc.No.11045 of 2020 and further that the learned counsel for the informant has informed that in the earlier case relating to murder of Imran Khan the defence evidence has already begun and the prosecution evidence stands closed, the petitioner is said to be on bail in the cases stated in paragraph '3' of the present application and in connection with the present case he is said to have remained in jail for one year seven months, however the trial in the present case has yet not begun and learned counsel for the informant and learned APP for the State are otherwise



unable to demonstrate that the case of this petitioner stands on a different footing from those who have been granted bail by learned coordinate Benches of this Court, let 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-1st, Bhojpur, Ara in connection with Ara Nagar P.S. Case No.109/2019, 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 considering his criminal antecedent henceforth the petitioner will put his attendance in the Ara Town police station once every month and his presence



shall be recorded by the officer in-charge of concerned police station. In case the petitioner is found getting involved in any other offence, the Station House Officer of Ara Town police station shall take appropriate steps immediately for cancellation of bail of the petitioner.

And further condition that the petitioner shall cooperate in course of trial and two consecutive defaults in putting appearance in course of trial shall invite cancellation of his bail bond.

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 off 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'.

