

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23322 of 2021**

Arising Out of PS. Case No.-129 Year-2020 Thana- PANDAUL District- Madhubani

AMIT NAYAK Son of Om Prakash Nayak Resident of Village - Tarsarai
Muriya, P.S.- Sadar Bhalpatti O.P., Distt.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

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

2 24-08-2021 At the outset, learned counsel for the petitioner submits that there is a typographical error in paragraph ‘1’ of the petition with regard to the date on which the FIR has been registered. The correct date should be 09.06.2020.

Let the correction be carried out accordingly.

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. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Pandaul P.S. Case No. 129 of 2020 registered for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act. He is in custody since 10.06.2020.

Learned counsel for the petitioner submits that as per First Information Report the police chased and arrested four accused persons including this petitioner, from possession of the petitioner besides a mobile phone one live cartridge was recovered from his pocket.

Learned counsel submits that it is a case of false implication of the petitioner. The petitioner has remained in jail for over one year, investigation against him is complete, thus, he may be released on bail. The petitioner has got one criminal antecedent.

Learned counsel further submits that in this case co-accused, namely, Sandeep Jha and Alok Mishra have been granted bail.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case and that the petitioner has remained in custody in connection with the present case for over one year, 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 Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S. Case No. 129 of 2020.

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'.