

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23673 of 2021**

Arising Out of PS. Case No.-244 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

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MUNNA DARJI @ MUNNA IDRISHI S/O MD KARIM ALAM @ MD
KARIM IDRISHI Resident of Rajpur Chick Muhalla Ward No. 12, P.S.-
Rajpur, District- Rohtas (Sasaram)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-09-2021 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 Ms. Rita
Verma, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kudra P.S. Case No. 244 of 2020 registered for
the offences punishable under Sections 399, 400, 402 and 411 of
the Indian Penal Code and Sections 25(1-b)A/26/35 of the Arms
Act.

As per the prosecution story, the informant got
information that few accused persons of another case have
gathered at *Nasez Gumti* and proceeded towards the said place.

On seeing police, the accused persons started fleeing away and three of them were apprehended eventually and they have disclosed the name of this petitioner as the head of their gang.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on confessional statement of the co-accused. It is submitted that no incriminating article has been recovered from the conscious possession of the petitioner and till date no T.I.P. has been conducted. Learned counsel submits that petitioner has got two criminal antecedents out of which he has been acquitted in one case and is on bail in the other case and in connection with this case, he is in custody since 28.08.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner has been implicated in this case on the basis of the confessional statement of the co-accused who was caught by police but no incriminating article has been recovered from possession of the petitioner, he has himself surrendered before the court and is in custody since 28.08.2020 but till date no T.I.P. has been conducted and further that he has got two criminal antecedents out of which in one case he has

been acquitted whereas in another case he is not named and he is on bail in the said case, having noticed that the petitioner has remained in custody in connection with this case for over one year, this Court directs release of the petitioner 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 Additional Chief Judicial Magistrate-VI, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 244 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.

This application stands disposed of 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'.