

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24055 of 2021

Arising Out of PS. Case No.-362 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

Bali Prasad Gond @ Bali Gond Son of Gullu Gond Resident of Village-
Sikandarpur, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner in the present case is seeking regular bail in
connection with Kudra P.S. Case No. 362 of 2020 registered for
the offence punishable under Sections 341, 323, 307, 504,
506,34 of the Indian Penal Code and Section 27 of the Arms
Act. He is in custody since 05.01.2021. The petitioner is an
accused in one case in which he is on bail as stated in paragraph
'3' of the petition.

Learned counsel for the petitioner submits that on a
bare reading of the First Information Report it would appear that
the Police Officer who has lodged this case has acted in a



whimsical manner by lodging a separate F.I.R. in relation to the facts allegedly emerging out in course of investigation of Kudra P.S. Case No. 352 of 2020.

Learned counsel submits that it is alleged that in connection with the investigation of the said case when the CDR of the mobile phones of Nasim and Samshad were taken out it was noticed that Samshad was talking to this petitioner on several occasions and when the CDR of this petitioner was taken out then it was found that he was in touch with Sonu Tiwary and Neeraj Patel. The informant himself writes that in course of investigation when the tower locations were obtained then these facts were noticed and thereafter the present F.I.R has been lodged.

Learned counsel submits that in Kudra P.S. Case No.352 of 2020 the petitioner has already been granted bail. It is submitted that in this case by sheer misuse of power Police registered three cases for the same occurrence. By filing a supplementary affidavit learned counsel has brought on record that in the present case the co-accused Diwakar Singh and Randhir Kumar have been granted bail by the coordinate Benches of this Court.

Mrs. Asha Devi, learned A.P.P. for the State is present



and has opposed the prayer for regular bail.

Having heard the rival submissions of the parties and considering the facts and circumstances of the case as well as the materials available on the record, let the petitioner, above named, is directed to 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, Kaimur at Bhabua in connection with Kudra P.S. Case No.362 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) It is directed that before releasing the petitioner on bail the court below shall clarify the criminal antecedent of the petitioner and in case, if any other offence has been committed and case has been registered against the petitioner, this order



shall automatically loose its effect.

With the aforesaid observation, this application is
allowed.

(Purnendu Singh, J)

Prakash Narayan /-

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