

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25480 of 2021**

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

MAHTAB ALI, SON OF MANAUWAR RAY, Resident of Village- Sarai,
Fakarabad, P.S.- Kundra, District- Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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

2 24-09-2021 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 Mr.
Narendra Kumar Singh, learned A.P.P. for the State.

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. 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

learned coordinate Benches of this Court.

Mr. Narendra Kumar Singh, learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner. Learned A.P.P. is, however, unable to explain as to why a separate F.I.R. has been lodged in respect of the materials collected in course of investigation of Kudra P.S. Case No. 352 of 2020.

Considering the facts and circumstances of the case and in the nature of the materials present in this case, this Court directs release of the petitioner above named 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 A.C.J.M. Vith, Bhabua (Kaimur) in connection with Kudra P.S. Case No. 362 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.

Let a copy of this order be also sent to the Superintendent of Police, Kaimur at Bhabhua to take a view with respect to lodging of different cases in respect of the same transaction and thereby burdening the entire system with such case apart from harassment to the accused. Hopefully the Superintendent of Police, Kaimur at Bhabhua shall take a remedial measures on this account.

(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'.