

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26733 of 2021

Arising Out of PS. Case No.-175 Year-2020 Thana- BALIYA District- Begusarai

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Jayant Kumar @ Bulbul Singh @ Bulbul, Son of Ranjit Singh, Resident of
Village - Shadipur Diyara, P.S. Balia, District - Begusarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr. Sauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 13-12-2021 The applicant/accused in Crime No. 175 of 2020 registered with Balia Police Station for the offences punishable under Sections 399, 402 and 411 of the Indian Penal Code as well as Sections 25(1-b)a, 26 and 35 of the Arms Act at the instance of first informant Sintu Kumar Jha- P.S.O., by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that co-accused with similar role namely Hussain Khalifa is already directed to release on bail by a coordinate Bench of this Court vide order dated 09.02.2021 passed in Criminal Misc. No. 38801 of 2020 and therefore, the applicant is entitled for bail.

The learned Additional Public Prosecutor opposed



the application by contending that case of the applicant is not on par with the co-accused and at the instance of the applicant, a stolen motorcycle was recovered.

I have considered the submissions so advanced and perused the materials placed before me.

Principle of parity is not applicable to the case of the applicant because the co-accused was found with a firearm whereas as per the confessional statement of the applicant which is admissible under Section 27 of the Evidence Act, a stolen motorcycle is recovered.

However, considering the fact that the investigation of the crime in question is over and the applicant is undergoing pretrial detention from June, 2020, his further pretrial detention is not warranted. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 175 of 2020 registered with Balia Police Station for the offences punishable under Sections 399, 402 and 411 of the Indian Penal Code as well as Sections 25(1-b)a, 26 and 35 of the Arms Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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