

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30088 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- LAXMIPUR District- Jamui

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JAY PRAKASH PANDIT S/O LATE CHHOTAN PANDIT R/O VILLAGE-
KALA, P.S-LAXMIPUR, DISTRICT-JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Laxmipur P.S. Case No. 307 of 2020 registered for the offence under Sections 147, 148, 149, 307, 353 and 447 of the Indian Penal Code and Section 27 of the Arms Act, Sections 3 and 4 of the Prevention of Damage of Public Property Act, Section 6(2) of the Bihar Public land Encroachment Act, Section 33 of the Indian Forest Act and Section 15 of the Environment Protection Act.

According to the prosecution case, Nine F.I.R. named accused persons along with 15-20 unknown accused have



cultivated the field of Forest Department on the gun point. On the protest made by the villagers, the accused persons started firing.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Altogether nine persons including the petitioner have been made accused in this case with general and omnibus allegation. As a matter of fact, although there is allegation of firing but nobody has sustained gun shot injury. No arms or ammunition have been recovered from the possession of the petitioner. Moreover, the co-accused, namely, Narayan Yadav and Shivrindan Yadav, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 13.04.2021 and 27.04.2021 passed in Cr. Misc. No. 5405 of 2021 and Cr. Misc. No. 2105 of 2021, respectively. The petitioner is rotting in judicial custody since 21.01.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui in connection with Laxmipur P.S. Case No. 307 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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