

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25985 of 2020

Arising Out of PS. Case No.-553 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

BOBBY @ BABUL @ SHEKH SAHABUDDIN ALI Son of Shekh Sayed
Ali Resident of Village - Tangaul, P.S.- Hajipur Town, District - Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha,Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-01-2021 Heard learned counsel for the petitioner and Mr. Tarun
Prasad Mandal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Hajipur Sadar P.S. Case No. 553 of 2019
registered for the offences punishable under Section 25(1-b)a/26/35
of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner has been brought in this case on the statement of the
apprehended accused Rahul Kumar. It is submitted that neither police
nor any other witness has identified this petitioner while allegedly
fleeing away. It is further submitted that the petitioner has no
criminal antecedent and save and except the bald allegation that his
name has been disclosed by the apprehended accused, there is
absolutely no material to implicate him in this case.

It is further submitted that the petitioner has no criminal
antecedent and he is ready to abide by such terms and conditions



which may be imposed by this Court for purpose of bail.

Mr. Tarun Prasad Mandal, learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but at the same time he is unable to point out any material showing that the petitioner has been identified by any person on the spot while allegedly fleeing away.

Having regard to the facts and circumstances of the case, in the nature of the materials placed before this Court and the fact that the petitioner has no criminal antecedent, let in case of his arrest or surrender the petitioner above-named within a period of four weeks from today in connection with Hajipur Sadar P.S. Case No. 553 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

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.

The application stands allowed.

Case diary has been returned and let it be kept on the record.

(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'.

