

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36115 of 2021**

Arising Out of PS. Case No.-396 Year-2020 Thana- GAIGHAT District- Muzaffarpur

ABHAY RANJAN @ ABHAY SINGH S/o Sunil Kumar Singh R/o Village-
Sarmastpur, P.S.- Paroo, Distt- Muzaffarpur. At present- Mohalla- Gandhi
Nagar, Road No.6, Kolhua, Paigambarpur, P.S.- Ahiyapur, District-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harendra Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 02-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Gaighat P.S.
Case No. 396 of 2020 registered for the offences punishable
under Sections 399, 402, 414 of the IPC, Sections 25(1-b)a, 26,
35 of the Arms Act and Sections 8/20/22 of the NDPS Act.

According to prosecution case, on 28.11.2020 having
got secret information that 6-7 persons riding in white Scorpio



having armed with arms and ammunition had assembled to commit a crime, the informant along with other police officials proceeded there. Seeing police party the miscreants started fleeing but on chase miscreants were apprehended including the petitioner. On search, one country made pistol, one live cartridge and a mobile were recovered from possession of the petitioner. On Search of the vehicle, 5 kg. ganja was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Learned counsel further submits that petitioner was apprehended in Gaighat P.S. Case No. 393 of 2020 on 28.11.2020. It is evident from the final form submitted by the prosecution that seizure list was prepared on 28.11.2020 at 9:05 A.M. and arrest of the petitioner shows 28.11.2020 at 2:50 P.M. Learned counsel further submits that brother of the petitioner has sent e.mail to Senior Superintendent of Police, Muzaffarpur on 28.11.2020 at 9:03 AM requesting therein to take cognizance in respect of illegal arrest of the petitioner. Petitioner is in custody since 30.11.2020

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as



well as period of custody, let the petitioner, above named, 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 the learned Special Court, Muzaffarpur in connection with Gaighat P.S. Case No. 396 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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