

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33497 of 2021

Arising Out of PS. Case No.-705 Year-2015 Thana- NAWADA District- Nawada

Binod Rajbanshi @ Karu Rajbanshi S/O Late Janki Rajbanshi Resident of Village/Mohalla - Viraytan, P.S. - Rajgir, District - Nalanda, at present Resident of Village - Laxmipur, P.S. - Rajgir, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 04-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Nawada Town P.S. Case No. 705 of 2015, registered for the offence under Sections 399, 402, 120(B) of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per the prosecution case, on 07.11.2015 at about 11:00 PM, on a secret information that some criminals have assembled to commit some crime, a raid was conducted by the informant and his team, whereupon, after the seeing the police party, the accused persons started fleeing, but on chase, three persons were arrested, who disclosed the name of petitioner, as one of the person, who fled away from the spot.



It is submitted on behalf of petitioner that petitioner has been made accused in this case on the basis of confessional statement of the co-accused, who were apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. In paragraph – 3 of the petition, it is stated that petitioner has got criminal antecedent and he is accused in three more cases, but in all the cases, petitioner is on bail. It is further submitted that some of the co-accused persons have already been granted bail by this Court, vide orders annexed at Annexure 2 to the petition. Petitioner is in custody since 24.12.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. 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., Nawada in connection with Nawada Town P.S. Case No. 705 of 2015, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the



court below, 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.”

(Prabhat Kumar Singh, J.)

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