

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25478 of 2020

Arising Out of PS. Case No.-327 Year-2019 Thana- ARA NAGAR District- Bhojpur

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BISHNU RAY Son of Sudarshan Ray Resident of Bank Colony, Vishnu Nagar, P.S.- Ara Nawada in the District- of Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vishnu Roy, Advocate

Mr.Sunil Kumar,Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 11-01-2021 Heard learned counsel for the petitioner and Mr. Sunil Kumar Pandey, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ara Town P.S. Case No. 327 of 2019 for the offence punishable under Sections 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 solely because of his antecedents which is also nothing but creation of the police and it is a case of false implication of the petitioner.

Learned counsel submits that the only material which has been brought against the petitioner is that his name was disclosed by apprehended accused Gorakh Mahto who was apprehended with a country-made pistol and some live cartridges, the seizure list was prepared in presence of police and even seizure list witnesses are members of the raiding party. It is submitted that save and except the



statement of the apprehended accused which has been recorded by police in its custody, in course of investigation no material has come by way of any witness saying that this petitioner was seen on the spot or that he was seen indulging in firing. Even on arrest no incriminating material has been recovered from possession of the petitioner, he is in custody in connection with this case since 03.02.2020 and in all the six cases against him he has been granted bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but in course of his submission he is unable to demonstrate from the case diary that any witness has seen this petitioner or identified him at the alleged place of occurrence, it is also not denied that no incriminating material has been recovered from the possession of the petitioner, in all the six cases against him he has got bail, in the nature of the materials placed before this Court, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 327 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to



the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the petitioner shall cooperate in course of trial by putting his appearance on each and every date in the trial. Failure to appear in course of trial on two consecutive default dates will result in cancellation of bail bond of the petitioner.

In view of his criminal antecedent, this Court would impose a further condition that till conclusion of trial of all the cases on his head, the petitioner will be reporting every month to the Station House Officer of Ara Town Police Station and his attendance



will be recorded by the Station House Officer.

In case the petitioner is required to stay for more than a month outside the jurisdiction of the police station, he will report his place of stay and mobile number to the Station House Officer for contact. In case of breach of this condition by the petitioner the Officer Incharge of Police Station shall bring it to the notice of the learned Chief Judicial Magistrate, Bhojpur at Ara who in turn will take appropriate steps either by himself or through the competent court where the case is pending for cancellation of bail bond of the petitioner.

The application stands disposed of accordingly.

(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'.

