

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29208 of 2020**

Arising Out of PS. Case No.-552 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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AMAN OJHA Son of Umesh Ojha Resident of Village - Madhukar Chapra,
P.S.- Kanti, District – Muzaffarpur. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh,Advocate

For the Opposite Party/s : Mr.Bharat Lal,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 18-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with G.R. No. 2531 of 2019 Kanti P.S. Case No. 552 of 2019 registered for the offences punishable under Sections 397 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per allegation while the informant was in office, three persons concealing their faces came and looted money and mobiles on the point of pistol.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He has not been identified by any independent witness and nothing incriminating has been recovered from his possession.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case,



wherein this petitioner has been taken on remand in the present case from another case, he is in custody since 16.12.2019 in this case, his name has transpired in the confessional statement of the co-accused and it is stated that one of the co-accused whose name had also come from the same confession has been granted bail in Cri. Misc. No. 78579 of 2019 and another co-accused Nand Kishore Kumar has also been released on bail in Cri. Misc. No. 14823 of 2020, in the cases reported in paragraph '3' of the petition the petitioner is said to be on bail, in the present case he has not been identified by any independent witness and nothing incriminating has been recovered from his possession, 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 Sub-Divisional Judicial Magistrate Muzaffarpur (West) in connection with Kanti P.S. Case No. 552 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.

Case diary has been returned. Let it be placed 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'.

