

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39159 of 2020

Arising Out of PS. Case No.-49 Year-2020 Thana- BARURAJ District- Muzaffarpur

MD. ARMAN ANSARI SON OF AJAMUL MIYAN RESIDENT OF
VILLAGE- KALYANPUR, BANS GHAT, P.S.- KALYANPUR, DISTRICT-
EAST CHAMPARAN

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dr. Bipin Chandra, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-02-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the stamp reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Dilip Kumar No. 1, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Baruraj P.S. Case No. 49 of 2020 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1B)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant on secret information raided the given place and arrested the miscreants including the petitioner. On search the petitioner was found in possession of one live cartridge and a mobile. From other accused persons pistols



and cartridges were also recovered.

Learned counsel submits that the petitioner has been falsely implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in judicial custody since 07.04.2020 for recovery of one live cartridge of .315 bore.

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

Having regard to the facts and circumstances of the case wherein it is alleged that although the petitioner was arrested, from his possession one live cartridge of .315 bore has been recovered from his pocket but the petitioner has remained in jail in connection with this case since 07.04.2020, he has otherwise no criminal antecedent, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M. I Class, Muzaffarpur in connection with Baruraj P.S. Case No. 49 of 2020 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.

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'.

