

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4340 of 2021**

Arising Out of PS. Case No.-413 Year-2018 Thana- BARAUNI District- Begusarai

Ajay Kumar @ Basiya @ Ajay Poddar S/o Dinesh Poddar R/o Village-
Harpur, P.S. Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi

For the Opposite Party/s : Mr. Addl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 19-03-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Barauni Refinery P.S.
Case No. 413 of 2018, registered for the offence under Sections
399 & 402 of the Indian Penal Code and Sections 25(1-B)a,
26(i)(ii) & 35 of the Arms Act.

On a secret information that some miscreants are
planning to commit an offence, a raid was conducted and three
persons including this petitioner were apprehended on the spot
and from possession of this petitioner, two mobile phones and
two live cartridges have been recovered.

It is submitted on behalf of petitioner that nothing has
been recovered from conscious possession of the petitioner.
Petitioner has been falsely implicated in this case by the police.
After investigation, the police has submitted chargesheet. It is
further submitted that two other co-accused have already been



granted bail by this Court, vide order dated 29.04.2019 passed in Cr.Misc. No. 25670 of 2019 (Mintu Kumar @ Gachiya Paswan) and order dated 04.09.2019 passed in Cr.Misc. No. 36560 of 2019 (Mintu Yadav @ Rajeev Kumar). Petitioner is in custody since 24.08.2020.

Considering the period of custody and the fact that only two live cartridges have been recovered from the possession of the petitioner, the bail application 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., Begusarai in connection with Barauni Refinery P.S. Case No. 413 of 2018, 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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