

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5613 of 2021**

Arising Out of PS. Case No.-150 Year-2019 Thana- SUPPI District- Sitamarhi

=====

AZAD SHATRU @ AJAT SHATRU SON OF SUNIL KUMAR MISHRA
Resident of Village - Janipur, P.S.- Nanpur, Distt.- Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Suppi P.S. Case No. 150 of 2019 registered for the offences punishable under Sections 414, 353, 333 and 507 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information that criminal Dheeraj Singh and his companion Azad Shatru (the petitioner) were seen roaming at the given place in order to



commit some occurrence. The informant reached there and on seeing the police they started fleeing away in sugarcane field after leaving the motorcycle. It is alleged that the miscreants at the time of fleeing resorted firing aiming the police party. It is stated that the miscreants managed to escape and the informant seized the motorcycle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the allegation of firing upon the police party is baseless and concocted and there is no injury to any member of the police party. Learned counsel further submits that there is no recovery of any empty cartridge from the spot and the police has extracted confessional statement of the petitioner only after taking him in custody. It is submitted that the petitioner is in custody since 27.09.2019.

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 the submission of learned counsel for the petitioner that the petitioner has been falsely implicated in this case, in the alleged occurrence in which it is stated that this petitioner and co-accused Dheeraj Kumar fled away in the



sugarcane field, nobody has got injured and the allegation of firing aiming the police party is only baseless and concocted, there is no injury to any members of the police party and further there is no recovery of any empty cartridge from the spot, the police has extracted confessional statement after taking the petitioner in custody only, in connection with the present case the petitioner has remained in jail since 27.09.2019, investigation against him is complete and out of four cases stated in paragraph '3', he is on bail in three cases, considering the nature of allegations wherein no injury has been caused to any member of the police and the petitioner has remained in custody for over one and a half year, 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 A.C.J.M.- IV, Sitamarhi in connection with Suppi P.S. Case No. 150 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.

