

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7532 of 2021

Arising Out of PS. Case No.-1355 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

RAJA KUMAR S/O SRI MAHENDRA PASWAN R/O VILLAGE
SAHWAJPUR PS AHIYAPUR, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 1355 of 2019 registered for the offence punishable under Sections 399 and 402 of the IPC and section 25(1-b)A/26/35 of the Arms Act.

It is alleged that a country made pistol and a live cartridge has been recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that



no incriminating article has been recovered from the conscious physical possession of the petitioner. The petitioner is quite innocent and has been falsely implicated in this case. Similarly situated co-accused namely Kundan Kumar, Md. Danish and Md. Irmul Hoda have been granted bail by co-ordinate Bench of this court vide order dated 28.05.2020 and 04.06.2020 passed in Cr. Misc. No.-6527 of 2020 and Cr.Misc. No.-17180 of 2020 respectively. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 13.11.2019.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 1355 of 2019, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his



bail bonds shall be liable to be cancelled by the learned court concerned.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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