

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15071 of 2021

Arising Out of PS. Case No.-162 Year-2018 Thana- BODHGAYA District- Gaya

SIKENDRA RAJAK SON OF RAMSWAROOP RAJAK Resident of village
- Durgasthan KharkhuraBhaluahi, P.S.- Cheki, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Adv.
For the Opposite Party/s : Mr.Murlidhar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects 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 Bodhgaya (Cherki) P.S. Case No.162/18 registered for the offence punishable under Sections 399, 402 of the Indian Penal Code and section 25(1-b) A, 26, 35 of the Arms Act.

The prosecution case in short is that on some information, when police reached near animal halt, some miscreants, who were sitting there started fleeing away but some of them were



apprehended. They disclosed the name of two accused who fled away as Karu Paswan and Sikandar Rajak (petitioner). On search, two loaded country made katta, three live cartridges and two mobile sets were recovered from their possession.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case merely on suspicion due to local dirty politics. He is neither apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has been made accused in this case merely on the basis of confessional statement of co-accused before the police. Similarly situated co-accused namely Karu Paswan has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.19069 of 2020 dated 09.06.2020. The petitioner has no criminal antecedent and has been languishing in custody since 04.06.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged 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 the learned court below, where the case is pending in connection with Bodhgaya (Cherki) P.S. Case No.162 of 2018, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(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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