

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7100 of 2021**

Arising Out of PS. Case No.-690 Year-2019 Thana- ARA NAWADA District- Bhojpur

SUDHIR SINGH @ MAMA R/o Village- Bampali, P.S.- Udwant Nagar
(Gajraj Ganj O.P.), District- Bhojpur (Ara) R/o Village- Bampali, P.S.-
Udwant Nagar (Gajraj Ganj O.P), District- Bhojpur (Ara)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha,Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-04-2021

Heard learned counsel for the petitioner and Mr.
Uma Shankar Prasad Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Ara Nawada P.S. Case No. 690 of 2019
registered for the offences punishable under Sections 109, 115
of the Indian Penal Code and Section 25(1-b)a/26/27/35 of the
Arms Act.

Learned counsel for the petitioner submits that on
secret information police reached at the given place and arrested
one person namely Ankit Kumar and recovered two pistol,
cartridges, mobile phone and a bike. It is alleged that the
apprehended accused disclosed the plan of one Mamlesh Singh
regarding murder of Bishwanath Singh and apprehended
accused disclosed the name of this petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. It is submitted that the name of the petitioner has
transpired in the statement of apprehended accused Ankit



Kumar. It is further submitted that there is no recovery of arm or ammunition from the possession of the petitioner. It is also submitted that the co-accused Chandan Pandey has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 83825 of 2019. The petitioner is in custody since 05.10.2020.

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

Having regard to the facts and circumstances of the case and upon noticing the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the statement of the apprehended co-accused Ankit Kumar Singh, the petitioner was not arrested on the spot, no arm or ammunition has been recovered from his possession, the petitioner has remained in custody in connection with this case since 05.10.2020, he has one criminal antecedent but in the said case he is on bail, co-accused Chandan Pandey has already been granted bail by a learned Co-ordinate Bench of this Court in Cri.Misc. No. 83825 of 2019, let the petitioner 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 C.J.M. Bhojpur (Ara) in connection with Ara Nawada (Gajraj O.P.) P.S. Case No. 690 of 2019, subject to the conditions 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 is suspected, and



(c) that such persons shall not directly or indirectly make and 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 allowed.

(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'.

