

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10566 of 2021**

Arising Out of PS. Case No.-284 Year-2020 Thana- CHHAURADANO District- East
Champaran

=====

JAMALUDDIN ANSARI @ JAMALLUDDIN ANSARI @ JAMALUDDIN
ANSARI RAI SON OF JAGDISH ANSARI RESIDENT OF VILLAGE-
PIPAR PATI, POLICE STATION- SIMRAUN GARH, DISTRICT- BORA
(NEPAL).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate.

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

=====

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

2 21-05-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Amit

Kumar Rakesh, learned APP for the State.

The petitioner in the present case is seeking regular bail in

connection with Chhauradano P.S. Case No. 284 of 2020 registered

for the offences punishable under Sections 399, 402, 414 of the

Indian Penal Code and 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the

prosecution story, the informant along with other police personnel

raided the house of one Suresh Yadav and apprehended eight

miscreants. On search one country made pistol along with one

cartridge have been recovered from the possession of co-accused



Monu Kushwaha, two live cartridges from co-accused Subhash Kumar and one loaded country made pistol along with one cartridge have been recovered from the possession of co-accused Ajit Kumar Gupta. It has further been alleged that two motorcycles have also been recovered from their possession.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no incriminating material and no firearm has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 22.10.2020 having no criminal antecedent.

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 wherein it is the submission of learned counsel for the petitioner that when the police party raided the house of Suresh Yadav and apprehended eight persons, in course of search of this petitioner no incriminating material and no firearm has been recovered from his possession, it is nothing but a case of false implication, the petitioner is in custody since 22.10.2020 and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Raxaul, East Champaran at Motihari in connection with Chhauradano P.S. Case



No. 284 of 2020, 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)

SUSHMA2/Sonali/-

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'.

