

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11837 of 2022

Arising Out of PS. Case No.-806 Year-2020 Thana- MUFFASIL District- West Champaran

Ajit Kumar, Son Of Sri Amerika Yadav, Resident Of Village- Parbatiya Tola,
P.S.- Bettiah Muffasil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 01.01.2021, seeks
regular bail in connection with Bettiah Muffasil P.S. Case No.
806 of 2020 dated 31.12.2020 registered for offences punishable
under Sections 399, 402, 413, 414 of the Indian Penal Code and
Section 25(1-B) (a)/ 26/35 of the Arms Act.

As per the allegation made in the FIR, one loaded
country-made pistol along with three motorcycles were
recovered from the place of seizure.

Learned counsel appearing on behalf of the petitioner
submits that the alleged motorcycles which were parked near



the place of recovery neither belong to the petitioner nor he has stolen any motorcycle. He further submits that on mere suspicion and mistaken identity, the petitioner has been made accused in the present case. There is violation of Section 100 Cr.P.C. Petitioner is in custody since 01.01.2021. There is no chance of absconding or tampering and hence, the petitioner deserves to be released on bail.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Taking into consideration the nature of allegation made in the FIR and period of custody undergone by the petitioner, there being no allegation of tampering the evidence or influencing the witnesses and trial is not likely to be concluded in near future, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail upon 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, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No. 806 of 2020 dated 31.12.2020 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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