

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13419 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- DUMRAO District- Buxar

Md. Saif @ Raja Son Of Md. Jalaluddin Hasmi R/O Village- Mahavir
Kumhar , P.S.- Dumraon (Industrial), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Advocate
		Mr. Ajit Kumar, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Mritunjay Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sessions Trial No. 269 of 2021 arising out of Dumraon P.S. Case No. 22 of 2021 for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, it is alleged that the police on a secret information that some accused persons have assembled in the campus of pipe factory and they were planning



to commit crime, rushed to the spot and it is alleged that the petitioner and other co-accused persons were arrested at the spot and on search being made one .303 bore live cartridge has been recovered from the possession of the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact no recovery has been made from the conscious possession of the petitioner but only because of the past criminal antecedent of the petitioner, his name has been implicated in this case showing recovery of one .303 bore live cartridge. It is next submitted that the other co-accused persons having similar allegations and from whom recovery has also been made, they have been granted bail by different co-ordinate Benches of this Court in Cr. Misc. No. 33543 of 2021, Cr. Misc. No. 38803 of 2021, and Cr. Misc. No. 32596 of 2021, the copies of which have been brought on record by way of Annexure-2 series to this application.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent as has been disclosed in para 3 of this petition. In response to the aforesaid submission, the learned counsel for the petitioner submits that the petitioner is on bail in all the cases.



Having considered the submissions made on behalf of the parties and taking into consideration the fact that only one . 303 bore live cartridge has been recovered from the possession of the petitioner and he is in custody since 14.01.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Sessions Trial No. 269 of 2021 arising out of Dumraon P.S. Case No. 22 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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