

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17201 of 2022

Arising Out of PS. Case No.-132 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

Raj Kumar Das, son of late Shankar Das, Resident of Village- Munshi Chamar Lane Gurhatta Chowk, Harijan Tola, P.S. Mojahidpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402 and 411 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act and ³/₄ of the Explosive Substance Act, 1908.

As per allegation in the F.I.R. 12 live country made bombs were recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He



further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner. He further submits that the alleged recovery has been made from the house of co-accused md. Ansar and the petitioner has no concern at all with the alleged recovery. He further submits that co-accused namely Md. Sain @ Saheen has been granted bail by this Court vide order dated 15.11.2021 in Cr. Misc. No. 19735 of 2021 and another co-accused namely Gaurav Hari has been granted bail by a Coordinate Bench of this Court vide order dated 07.12.2021 in Cr. Misc. No. 47677 of 2021 respectively. The police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.06.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 305 of 2020 arising out of Mojahidpur



(Babarganj) P.S. Case No. 132 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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