

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18548 of 2022

Arising Out of PS. Case No.-113 Year-2019 Thana- PHULWARIA District- Begusarai

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Ajay Kumar @ Gurjar @ Ajay Son of Late Mahendra Mahto @ Late Mahindra Mahto @ Late Mahendra Mehta Resident of Village - Phulwaria, 03, Karam Sthan, P.S.- Phulwaria, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 03-08-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Session Trial No. 393 of 2021 arising out of Phulwaria P.S. Case No. 113 of 2019 lodged under Section 307 of the Indian Penal Code read with Section 27 of the Arms Act.

As per the prosecution story, the allegation against the petitioner is to make fire on the informant by the pistol keeping in his hand.

Learned counsel for the petitioner submits that the reason for the crime has not been narrated in the F.I.R. He

further submits that petitioner is in custody since 19.03.2020, chargesheet has been filed as well as charge has also been framed in this case. On the point of criminal antecedent he submits that petitioner is ready to fulfill all the conditions as shall be imposed by the Court, whatsoever it may be.

Learned counsel for the State opposes the prayer for bail and submits that the reason for commission of crime is not necessary to describe and since there is a specific allegation against the accused, therefore, bail should be rejected.

Considering the facts and circumstances of this case and the submissions made above, that charge has already been framed and petitioner is in custody since 19.03.2020, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IVth Begusarai in connection with Sessions Trial No. 393 of 2021 arising out of Phulwaria P.S. Case No. 113 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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