

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19602 of 2022

Arising Out of PS. Case No.-81 Year-2021 Thana- BARURAJ District- Muzaffarpur

SUBODH KUMAR, Son of Shri Arun Bhagat, Resident of Village-
Kamalpur, P.S.- Baruraj, District- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey,Adv.

For the Opposite Party/s : Mr.Bharat Bhushan,A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner shall remove all the defects pointed out by the stamp reporter within three weeks from today.

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

This is the second attempt of the petitioner to obtain bail in connection with Baruraj P.S. Case No. 369/2017 registered for the offences under Section 25(1-B)a of the Arms Act. The petitioner has two criminal antecedents. He is in custody since 13.05.2021.

Earlier the prayer for bail of the petitioner was dismissed as withdrawn vide order dated 28.02.2022 passed in Cr.Misc.No.45691 of 2021 due to non-disclosure of complete criminal antecedents of the petitioner in the main bail application.



Learned counsel for the petitioner submits that the police in course of investigation of another case raided the house of the petitioner on disclosure of co-accused and arrested the petitioner from his house with one loaded country made pistol. It is alleged in the F.I.R. that the alleged looted articles and money were recovered from the house of the petitioner.

It is submitted that petitioner is innocent and has not committed any offence. The police had taken signature of the petitioner on plain paper and converted the same into a seizure list. He is in custody since 13.05.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstance of the case wherein the petitioner is in custody for over one year five months in connection with the present case and in the two other cases lodged against him it is stated that in the cases mentioned in Paragraph '3' he is on bail, the recovery is of one country made loaded pistol, this Court directs release of the petitioner above named on bail on furnishing 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, Ist Class, Muzaffarpur in connection with Baruraj P.S. Case



No.81/2021, subject to the conditions as laid down under
Section 437(3) Cr.P.C.

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.

Certified copy of the order will be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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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'.

