

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36361 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- SARAIYA District- Muzaffarpur

=====

Ajay Kumar Son of Ganesh Ram Resident of Village - Kapar Pura, P.S.-
Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 06-01-2022 The applicant/accused in Crime No. 49 of 2021 registered with Saraiya Police Station for the offences punishable under Sections 399 and 402 of the Indian Penal Code as well as Sections 25(1-b)a/26/35 of the Arms Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that because of the applicant is on par with co-accused Ravi Kumar, who is directed to be released on bail by this Court in Cr. Misc. No.31496 of 2021.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.



Co-accused Ravi Kumar is already directed to be released on bail during trial. The applicant is stated to have been arrested on 13.01.2021 as he was in possession of country-made fire-arm and the tempoo in which he was found travelling was having an iron cutter.

On the principle of parity, the applicant deserves to be released on bail after conclusion of the investigation.

Considering the nature of the evidence against the applicant/accused, there is no other alternative but to release him on bail during pendency of the trial and hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 49 of 2021 registered with Saraiya Police Station for the offence punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.



(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

Mkr./-

U		T	
---	--	---	--

