

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40343 of 2021

Arising Out of PS. Case No.-75 Year-2015 Thana- ATRI District- Gaya

ARJUN RAJWANSHI Son of Late Jethu Rajwanshi Resident of Village -
Sukhe Bigha, P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 01.02.2021,
seeks regular bail in connection with Atri P.S. Case No. 75 of
2015 for the offence punishable under Sections 147, 148, 149,
323, 324, 325, 326, 307, 353, 427 and 395 of the Indian Penal
Code and Section 27 of the Arms Act.

There is allegation against 30 persons named in the
F.I.R. and 150 unnamed is that they attacked on the police
personnel by lathi, danda, arms and brick and injured a
constable of Special Armed Force.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits neither any incriminating article has been recovered from conscious possession of the petitioner nor he has been put on T.I.P. The petitioner was member of the mob. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has clean antecedent and is in custody since 01.02.2021. Many similarly situated co-accused have been granted bail by different co-ordinate Benches of this Court.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, neither any incriminating article has been recovered from conscious possession of the petitioner nor he has been put on T.I.P., petitioner has clean antecedent and many similarly situated co-accused have been granted bail by different co-ordinate Benches of this Court, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM,



Gaya in connection with Atri P.S. Case No. 75 of 2015, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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