

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45159 of 2021

Arising Out of PS. Case No.-56 Year-2021 Thana- BHAWANIPUR District- Purnia

RAJAN KUMAR S/o Ramjee Mandal Resident of Village - Bhittha, P.S. -
Bhawanipur, District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 06.04.2021,
seeks regular bail in connection with Bhawanipur P.S. Case No.
56 of 2021, for the offence punishable under Sections 392 and
412 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of
the Arms Act.

The prosecution case, in brief, is that the petitioner
was caught with the stolen motorcycle of the informant along
with a live cartridge on which 8 MM KF was written.

Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely



been implicated in this case due to dirty village politics. He further submits that the petitioner was dragged by the persons, who are inimical term with the petitioner, and the recovery of motorcycle bearing registration No. BR-01BD-4720 of Nand Kishore Paswan, resident of village-Chousa, District-Madhepura as well as one live cartridge shown in the seizure-list, which was prepared in the Police custody, where he was forced to put his signature on the alleged seizure-list. He further submits that prior to the present case, there was no criminal case against the petitioner.

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

Considering the above mentioned facts and circumstances of the case, there is no allegation of tampering the evidence or influencing the witnesses and the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19, the Court below is directed to obtain criminal antecedent report of the petitioner from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner, as what has been stated in paragraph No.3 of the present bail application filed on behalf of the petitioner, the petitioner, above named, be enlarged on bail



on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Bhawanipur P.S. Case No. 56 of 2021, 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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