

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37450 of 2022

Arising Out of PS. Case No.-244 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

Ashok Kumar @ Ashok Sah Son of Bharat Sah, Resident of village- Rajpur
P.S.- Rajpur, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Learned counsel for the petitioner submits that due to inadvertence, the period of custody could not be mentioned in the petition, therefore, he seeks permission to insert the period of custody in the petition.

Permission granted.

Learned counsel for the petitioner is directed to correct the same in course of the day.

Let the defect(s), 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 Kudra P.S. Case No. 244 of 2020 (S.Tr. No. 244 of 2020), lodged under Sections 399, 400, 402, 411 of the Indian Penal Code read with Section 25(1-b)a, 26, 35 of the Arms Act.

As per the prosecution case, the recovery has been made by the Investigating Officer of Kudra P.S. Case No.210 of 2020. The case has been lodged under Arms Act and different provisions of IPC in which planning for *dacoity* and robbed Mobile was alleged to be recovered as per the prosecution story.

Learned counsel for the petitioner submits that in the accused column name of petitioner is not there. He further submits that in the F.I.R. there is not a single whisper against the petitioner but in the last four line of F.I.R., it has been stated by the Police that petitioner is friend of Munna Darji, in the content of F.I.R. petitioner was shown being the friend of criminal. Learned counsel for the petitioner further submits that petitioner is a man of clean antecedent and he is in custody since 19.08.2021, charge sheet has already been filed in this case. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned A.D.J.-10 Bhabua at Kaimur in connection with Kudra P.S. Case No. 244 of 2020 (S.Tr. No. 244 of 2020), 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 be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship 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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