

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38777 of 2022

Arising Out of PS. Case No.-80 Year-2020 Thana- UPHARA District- Aurangabad

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Ajit Kumar Son of Virchand Mahto Resident of Village - Shankardih, P.S.-
Uphara, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 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
Uphara P.S. Case No. 80 of 2020 lodged under Sections 302,
147, 148, 149 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, a general and omnibus
allegation has been made 13 accused persons including the
present petitioner. In the F.I.R., the cause for dispute is shown
that is land dispute.

Learned counsel for the petitioner submits that
petitioner is innocent and has been implicated in this case due to
admitted land dispute contained in the F.I.R. Learned counsel

for the petitioner submits that there is no specific rather a general and omnibus allegation is there. Charge sheet has already been filed in this case. Learned counsel for the petitioner also submits that the Co-ordinate Bench of this Court has pleased to grant bail as well as this Court has also pleased to grant bail to the similar co-accused persons vide order dated 11.05.2022 passed in Cr. Misc. No. 7981 of 2022 and vide order dated 12.10.2022 Cr. Misc. No. 63791 of 2021 with 3 analogous cases.

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 Sri Dinesh Kumar, Judicial Magistrate-1st class, Daudnagar, District- Aurangabad in connection with Uphara P.S. Case No. 80 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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