

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56951 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

Birbahadur Singh S/o Ranjeet Singh Resident of Vill- Khananikala, P.S.-
Agion Bazar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Agion Bazar
P.S. Case No. 69 of 2021 registered for the offences punishable
under Sections 339 of the Indian Penal Code and Section 25(1-
b)a, 26, 35 of Arms Act.

According to prosecution case, in short, that Brajesh
Kumar, Sub Inspector of Agion Bazar received a confidential
informant that the criminal Bibrahadur Singh of Village
Khananikala along with his companions were planning to



commit a crime and on such information, the informant Brajesh Kumar along with other police personnel proceeded from the police station and reached at the place of occurrence but after seeing the police some persons tried to flee away but the police caught three persons they disclosed their names as petitioner, Amit Kumar and one Abhinash Kumar. The police started search all the accused persons and from the possession of petitioner one country made loaded pistol and one live cartridge, one motorcycle and one Black Colour Jio mobile were recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. No incriminating article has been recovered from conscious possession of the petitioner, rather the police has planted the same and show one country made pistol and two live cartridges has been recovered from the possession of the petitioner. It is further submitted that charge sheet has been submitted in this case. Petitioner is in custody since 22.03.2021.

The learned Additional Public Prosecutor opposed the prayer for bail on the ground that petitioner has carries five criminal antecedents.



Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Bhojpur at Ara in connection with Agion Bazar P.S. Case No. 69 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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