

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42990 of 2022

Arising Out of PS. Case No.-37 Year-2019 Thana- MUSRIGHRARI District- Samastipur

AMARJEET KUMAR JHA @ AMARJEET KUMAR @ AMARJEET JHA
SON OF VIJAY KUMAR JHA @ VIJAY JHA @ BANDHU JHA R/O
VILLAGE- AILOTH @ HARPUR AILOTH, P.S.- MUSRIGHARARI,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Kant Mishra, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Musarigharari P.S. Case No. 37 of 2019 corresponding to Sessions Trial No. 189 of 2021 registered for the offences punishable under Section 27 of the Arms Act and Section 392 of the Indian Penal Code.

As per prosecution case, four miscreants on two motorcycles overtook the informant and took away gold jewellery, cash, cheques, Aadhar Card, driving license etc.

Learned counsel for the petitioner submits that



petitioner was earlier granted bail on 20.09.2019 with certain conditions by the learned trial court but his bail bond was cancelled on 25.02.2022 on the ground that petitioner has misused the privilege of bail. He further submits that petitioner has not misused the privilege of bail and as a matter of fact, just because that he was not produced in the court on due date from the jail custody for which petitioner has no intention for not appearing in the court as the petitioner was in custody in connection with Samastipur Mufassil P.S. Case No. 525 of 2020. He further submits that petitioner has been remanded in the present case on 24.03.2022 and since then he is in custody.

The learned A.P.P. does not controvert the submission of learned counsel for the petitioner.

Considering the facts and circumstances of the case as well as this aspect of the matter that petitioner has not misused the privilege of bail as he was in custody in connection with Samastipur Mufassil P.S. Case No. 525 of 2020, as submitted by learned counsel for the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge-XI, Samastipur in connection with Musarigharari P.S. Case No. 37 of 2019 corresponding to Sessions Trial No. 189 of 2021, subject to following conditions:-

(i) One of the bailors shall be a close relative of the accused/petitioner i.e. father/mother/full brother.

(ii) The petitioner shall not indulge in any similar nature of offence till conclusion of the trial and on failing so Court concerned shall be at liberty to cancel the bail bond in present case also, if reported by prosecution.

(iii) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates, his bail bonds shall be liable to be cancelled by the learned Court concerned itself.

(Alok Kumar Pandey, J)

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