

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42878 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- UJIYARPUR District- Samastipur

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RAJA BABU @ RAJA Son of Late Naresh Chaudhary @ Ramnaresh Sahni
Resident of Village - Shivanandanpur, P.s.- Kalayanpur, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Arun Kumar Pandey

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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 Ujiarpur
P.S. Case No. 35/2022 registered for the offences punishable
under Sections 399, 402, 307, 414 of the Indian Penal Code and
Sections 25(1-b)a, 26, 27 and 35 of the Arms Act, 1959.

As per prosecution case, there is alleged recovery of
one country made pistol alongwith two live cartridges besides
one mobile from the possession of the petitioner. The petitioner
and others apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is languishing in custody since 26.01.2022 and bears criminal antecedent of one case. No incriminating article has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law. He further submits that on similar allegation earlier bail petition of co-accused, Raja Kumar has been rejected by the co-ordinate Bench of this Court vide Cr. Misc. No.36801/2022 giving liberty to the petitioner to move for bail one month after framing of charge and the learned trial court was directed that thereafter petitioner shall be released on bail imposing the condition so that the trial court shall secure his appearance during trial. Learned counsel for the petitioner specifically submits that charge has already been framed against the petitioner and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge has already been framed against the petitioner, as submitted and also taking into consideration the material available on record and argument advanced on behalf of both sides, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur in connection with Ujiarpur P.S. Case No. 35/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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