

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55679 of 2021

Arising Out of PS. Case No.-327 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Mintu Kumar @ Aditya Kumar @ Aditya Raj Son of Late Amresh Kumar
Singh Resident of Village- Sahwajpur, P.S. Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party/s : Mr. Rabindra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 08-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 327 of 2021 for the offence punishable
under Sections 399, 401, 402 and 414 of the Indian Penal Code
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that the petitioner
was apprehended by the police personnel on secret information
that some miscreants had assembled to commit crime. The
petitioner was apprehended on the spot and upon search one
country made pistol and a live cartridge were recovered from his



possession.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case due to the fact that just before lodging of the present F.I.R., the petitioner was made accused under Section 30(a) of the Bihar Prohibition and Excise Act in Ahiyapur P.S. Cased No. 68 of 2021 and subsequent to that he has also made accused under Sections 379 and 414 of the Indian Penal Code in Ahiyapur P.S. Case No. 328 of 2021 and as a result of enmity, the petitioner has been made accused in the present case. It was further submitted that similarly situated co-accused Rohit Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.11.2021 passed in Cr. Misc. No. 47399 of 2021 and the petitioner is in custody since 22.05.2021. On such grounds, the petitioner seeks to be released on bail.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having considered the rival submissions of the parties and considering the nature of allegation made in the F.I.R., period of custody undergone by the petitioner, charge sheet has already been submitted, the trial is not likely to be concluded in near future and the similarly situated co-accused has already



been granted bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Muzaffarpur in connection with Ahiyapur P.S. Case No. 327 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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