

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56662 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- LAXMIPUR District- Jamui

SAJAN KUMAR SON OF NARESH PASWAN R/O VILLAGE- MATIYA,
P.S.- LAXMIPUR, DIST.- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Prasad, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Laxmipur P.S. Case No. 307 of 2020 registered for the offence under Sections 147, 148, 140, 307, 353 and 447 of the Indian Penal Code and Section 27 of the Arms Act, Section 3/4 of the Prevention of Public Property Act and also Section 6(2) of the Bihar land Encroachment Act as well as Section 33 of the Indian Forest Act along with Section 15 of the Protection of Environment Act.

The case relates to recovery of one motorcycle bearing



registration No. BR-46J-5376 along with some used cartridges.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the ground that the motorcycle of the petitioner has been seized from the spot. He further submits that there is no specific allegation against the petitioner. Moreover, the co-accused, namely, Narayan Yadav and Sheo Nandan Yadav, who have been named in the F.I.R., having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 13.04.2021 and 27.04.2021 passed in Cr. Misc. No. 5405 of 2021 and Cr. Misc. No. 2105 of 2021, respectively. The petitioner is rotting in judicial custody since 30.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st, Class, Jamui in connection with Laximipur P.S. Case No. 307 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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