

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61876 of 2021

Arising Out of PS. Case No.-66 Year-2019 Thana- AMAW District- Siwan

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FUDAN @ DHARMENDRA @ DHARMENDRA RAI Son of Gopal Rai
Resident of Village- Mainpura (Suguna), P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2022 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.

The petitioner seeks bail in a case registered for the offence under Sections 395 and 397 of the Indian Penal Code and Section 27 of the Arms Act and Section 3/4 of the Explosive Substance Act.

Six unknown persons are said to have been looted the jewelry shop of the petitioner and on protest made by the informant side, they have fired upon brother and nephew of the informant.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R. but merely on the basis of confessional statement of the co-accused, Manoj Kumar @ Baba, he has been made accused in this case. He further submits that, in fact, neither anything incriminating has been recovered from the conscious possession of the petitioner nor the petitioner has been put on T.I.P. by the prosecution as yet He further submits that the similarly situated co-accused, namely, Rajeev Kumar Singh @ Rahul Singh @ Raju Singh And Pankaj Rao, have already been granted bail by a co-ordinate Bench of this Court vide order dated 17.03.2020 passed in Cr. Misc. No. 74630 of 2019 along with Cr. Misc. No.82790 of 2019 and one another co-accuse, Sumit Kumar Singh has already granted bail by this Court vide order dated 22.03.2022 passed in Cr. Misc. No. 46654 of 2022. The petitioner is rotting in judicial custody since 16.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries fifteen more cases 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. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S.T. No. 252 of 2020



arising out of Asanwa P.S. Case No. 66 of 2019 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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