

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63654 of 2021

Arising Out of PS. Case No.-316 Year-2020 Thana- RAFIGANJ District- Aurangabad

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Sunil Lal Khatri @ Sunil Khatri, S/o Shankarlal Khatri Resident of Village-
Jakhim, P.S.- Rafiganj, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate
		Mr. Lal Bahadur Singh, Advocate
For the Opposite Party/s :		Mr.Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 06-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Rafiganj P.S. Case No. 316 of 2020 registered for
the alleged offences under Sections 25(1-b)a/ 26 of the Arms Act
and under Sections 16, 18, 18A, 18B and 20 of the U.A.P.A. Act.

As per prosecution case, on the basis of secret
information an identified place was raided and the petitioner and
other co-accused persons were apprehended and some of the
miscreants fled away from the spot. From the possession of this
petitioner, a single shot stengun and a live cartridge were
recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has been arrested merely on suspicion and the recovery shown from the petitioner is a planted one. Nothing incriminating has been recovered from possession of the petitioner and the petitioner has been made accused in this case merely on the basis that a number of cases are pending against him. During investigation, no body supported the allegation levelled against the petitioner. There is complete non compliance of Section 100 of Cr.P.C. Similarly placed co-accused namely Ravi Ranjan Paswan has been granted bail vide order dated 09.11.2022 passed in Cr. Misc. No. 52108 of 2022. Learned counsel further submits that after framing of charge, not a single witness has been examined in this case. The petitioner is in custody since 13.12.2020.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got long criminal history and he is accused in a number of similar cases.

Perused the records.

Having regard to the submission made on behalf of the parties and considering the fact of the case and also considering the period of custody of the petitioner and framing of charge against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)

with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad (Bihar) in connection with Rafiganj P.S. Case No. 316 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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