

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67448 of 2021**

Arising Out of PS. Case No.-20 Year-2016 Thana- MUZAFFARPUR RAIL P.S. District-
Saran

=====

JITENDRA KUMAR @ BASANT KUMAR @ BASANT BHAGAT Son of
Late Maheshwar Bhagat Resident of Village- Chhajan Sangram, Police
Station- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-04-2022 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 147, 148, 149, 435, 427, 341, 342, 323,

504 and 506 of the Indian Penal Code and Section 27 of the Arms

Act and also Sections 15, 17 and 20 of the U.A.P. Act.

Informant has alleged that on 26.03.2016, 30-35

extremists variously armed with Gun captured the informant on

the strength of Arms as well as other labourers residing there

and took away the mobile and set ablaze the vehicle.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. 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 similarly situated co-accused, namely, Amin Sahni @ Amir Sahni along with Mukesh Patel @ Vishal Ji @ Vishal and Madan Paswan, have already been granted bail by a co-ordinate Bench of this Court vide order dated 28.09.2018 and 03.12.2018 passed in Cr. Misc. No. 55888 of 2018 and Cr. Misc. No. 5780 of 2018 respectively. The petitioner is rotting in judicial custody since 09.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three 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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Muzaffarpur Rail P.S. Case No. 20 of 2016 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)

brajesh/-

U		T	
---	--	---	--

