

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70210 of 2021

Arising Out of PS. Case No.-673 Year-2015 Thana- SASARAM NAGAR District- Rohtas

Ajay Rajbhar @ Ajay Kharwar Son of Shital Prasad @ Ram Narayan
Kharwar Resident of village - Tendui Khandawa, P.S.- Hariharganj, District -
Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh.1, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, App

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 307, 353, 121
of the Indian Penal Code and Section 25 (1-b)A, 26, 27, 35 of
the Arms Act and Section 17 C.L.A. Act.

According to prosecution case, the written report dated
18.06.2015 of the informant namely Maheswar Mahtha A.S.I.
Darigaon police station is to the effect informant along with



other police personnel constituted a raiding party for searching the terrorist at village Bhaukhodwa forest after getting the information that terrorist has collected at mountain and doing course of search on 18.06.2015 about 03.00 O' Clock they reached at village Bhaukhodwa and with the help of the villager searched was started and about 4 O' clock the police personnel saw the light of torch they raiding party also lighted their torches, then firing was started from towards forest then counter firing was also started by the police personnel and one person apprehended which was hiding in bush who disclosed his name as Laxmi Singh and Search was made in presence of two independent witnesses and one country made riffle and two live cartridge loaded in magazine in the said country made riffle and 12 live cartridges from the vindoli tied in the waist of the said persons and four books relating to the philosophy and two another books was found kept in the bag with the said persons and seizure list was prepared and on interrogation he disclosed to the member of prohibited organization (maubadi) and he further disclosed that 17 persons including the petitioner are also with him.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Laxmi Singh. He further submits that nothing has been recovered from the conscious possession of the petitioner and co-accused namely Lakshmi Singh and others have been acquitted by the learned Trial Court in Sessions trial no. 643 of 2015. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Raj Nath Rajbhar @ Rajnath Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 29.01.2016 passed in Cr. Misc. No. 58210 of 2015, another co-accused, namely, Ram Jee Kharwar @ Raj Jee Kharwar has been granted bail by a co-ordinate Bench of this Court vide order dated 17.08.2016 passed in Cr. Misc. No. 34108 of 2016, another co-accused, namely, Dinanath Kharwar @ Dinajee has been granted bail by a co-ordinate Bench of this Court vide order dated 22.12.2016 passed in Cr. Misc. No. 45692 of 2016. The petitioner is in custody since 17.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seventeen criminal antecedents



other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Sasaram (Darigaon) P.S. Case No. 673 of 2015, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

Gaurav Kumar/-

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