

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71464 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

AJIT KUMAR RAI @ AJEET KUMAR SINGH, Son of Dhanji Rai Resident
of Village- Neknam Tola, P.S.- Barhara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Udbhav, Advocate
For the Opposite Party/s :		Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Ara Muffasil P.S. Case No. 105 of 2021, for the offences
punishable under Sections 324, 307/34 of the Indian Penal Code
and Section 27 of the Arms Act. Later on Section 302 of the
Indian Penal Code has been added.

The prosecution story, in brief, is that five unknown
miscreants entered into the Punjab National Bank, Piraunta and
committed dacoity. On resistance, one of the miscreants resorted
to fire, which hit another miscreant resulting in his subsequent



death.

Learned counsel appearing on behalf of the petitioner submits that for the same incident, three F.I.Rs have been lodged; one by bank Manager bearing Ara Muffasil P.S. Case No. 103 of 2021 for the offence punishable under Section 395 of Indian Penal Code; another by Police Officer bearing Ara Muffasil P.S. Case No. 104 of 2021 for the offence punishable under Section 25(1-b)a, 26 and 35 of the Arms Act; and the present F.I.R. in which the petitioner has been made accused recorded on the basis of fard-beyan recorded by the Dafadar bearing Ara Muffasil P.S. Case No. 105 of 2021 for the offence punishable under Sections 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 of the Indian Penal Code has been added. He has further submitted that subsequent to the present case, he has been made accused in two other cases for the same occurrence. It is submitted on behalf of petitioner that some other co-accused against whom also in course of investigation it has come that they were the miscreants and allegation against the petitioner is also similar in nature that he along with other miscreants had looted money from the bank. There is no eye-witness of the occurrence, at best, the case is made out against the petitioner under Section



395 of I.P.C. for which F.I.R. was already lodged being Ara Muffasil P.S. Case No. 103 of 2021. He further submits that some other co-accused have been enlarged on bail by different Benches of this Court. So far as the present F.I.R. is concerned, the petitioner has been made accused in the present case merely on suspicion. The petitioner is in custody since 26.07.2021. Apart from this, learned counsel for the petitioner has submitted that no material has been collected against the petitioner in course of investigation.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He has submitted that the petitioner has criminal antecedent and it would not be proper to enlarge the petitioner on bail as he will become nuisance to the society.

Taking into consideration the aforesaid facts and circumstances, the petitioner, above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 11th Additional District and Sessions Judge, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 105 of 2021, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No. 3 of the bail application, this order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his



**monthly attendance report to the Superintendent of Police
having jurisdiction.**

(Purnendu Singh, J)

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