

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71741 of 2021**

Arising Out of PS. Case No.-132 Year-2021 Thana- AANDAR District- Siwan

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SANOJ PATEL @ SANOJ KURMI, Son of Late Gendalal Patel, Resident of
Village - Usri Bujurg, Police Station - M.H. Nagar, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Andar (M.H. Nagar) P.S. Case No. 132 of 2021
registered for the offences punishable under Sections 399/402 of
the Indian Penal Code, Section 25(1-b)a and 26/35 of the Arms
Act and Section 3/4 of Explosive Substance Act. He is in
custody since 27.07.2021. The petitioner has got seven criminal
antecedents as stated in paragraph '3'.

Learned counsel for the petitioner submits that it is a
case of false implication of the petitioner which would be



evident from a bare reading of the First Information Report. The informant in this case is a Police Officer who was posted as Officer-in-charge of M.H. Nagar, Siwan. According to him, he got secret information on 25.07.2021 at 4.30 P.M. that this petitioner is planning to commit a crime along with some miscreants and weapons and they have assembled in the new house of this petitioner. The informant claims that he recorded a Sanha entry to this effect in the Station Diary and after informing the senior Police Officer he left with the constables named in the F.I.R. and at about 5.00 P.M. he reached at the house of this petitioner situated at Bujurg. The informant alleges that the door of the house was closed and after some time on insistence when the door was opened four persons were found present inside the house. The villagers had also assembled at the said place. The four persons disclosed their name and in presence of the people the house was searched but nothing was recovered from the house. The informant further says that he locked the house through this petitioner and took all the four persons to the Police Station. About this petitioner, it is stated that he was injured so he was sent to the government hospital and after his statement when he again came to the Police Station there on 26.07.2021 at 8.20 A.M. this petitioner and others



disclosed that they are committing crimes together and were planning to commit lootpat. They also disclosed that they had concealed one country made Katta, some cartridges and two bombs in the *Bhusa Ghar* at the second floor of the house. It is then alleged that at about 9.00 A.M. the informant conducted raid at the house of the petitioner and from there he recovered one country made Katta and four cartridges (Chharra) and two local bombs.

Learned counsel for the petitioner submits that the entire case has been concocted, the fact that the petitioner and other persons were brought to the Police Station on 25.07.2021 and then about the petitioner it is stated that he was injured would show that the petitioner was brutally assaulted in the Police Station, no F.I.R. was lodged on 25.07.2021 and the petitioner as well as others were illegally detained in the Police Station whereafter the case has been fabricated against the petitioner and in order to explain the delay the seizure has been shown on the next day.

It is further submitted that in all the seven cases, the petitioner is on bail.

Mr. Akhileshwar Dayal, learned APP for the State is present and has though opposed the prayer for regular bail of the



petitioner but on noticing that the petitioner was found in his house on 25.07.2021 from where he was brought to the Police Station but no F.I.R. was lodged against him and his injury for which he was treated remained unexplained and further that on the next day the recovery has been shown and thereafter F.I.R. has been lodged and further upon noticing that the petitioner has remained in jail in connection with this case for a period of almost ten months, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -IV, Siwan in connection with Andar (M.H. Nagar) P.S. Case No. 132 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.



And further condition that till conclusion of the trial in the present case once in every two months the petitioner shall mark his attendance before the S.H.O. of M.H. Nagar police station in the District of Siwan and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of M.H. Nagar police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

The application stands allowed.

Let a copy of this order be sent to the Superintendent of Police, Siwan for necessary instruction to the S.H.O. of the concerned Police Station.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

