

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6890 of 2023

Arising Out of PS. Case No.-140 Year-2021 Thana- BARURAJ District- Muzaffarpur

Amarjeet Kumar Son of Umesh Paswan R/V- Lakshminiya P.S- Baruraj Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-03-2023 Heard Mr. Arun Kumar, learned counsel appearing
on behalf of the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Baruraj P.S. Case No. 140/21 for the offences punishable under
Sections 399, 402, 414 of the Indian Penal Code and Section
25(1-b)a, 26/35 of the Arms Act.

3. The prosecution story, in brief, is that on receiving
secret information, the police raided the spot from where the
petitioner was apprehended along with other accused persons,
accordingly, the seizure list was prepared that one loaded
country-made pistol and a stolen motorcycle were recovered
from the possession of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that vide order dated 26.08.2022 passed in Cr.



Misc. No.15439 of 2022, the regular bail of the petitioner was rejected and now he has again prayed for grant of regular bail on the ground that all the co-accused persons have already been released on bail and only the petitioner, who had been apprehended on the spot, is languishing in jail custody since 24.07.2021. The chargesheet has been submitted against all the accused persons on 29.09.2022. As such, the petitioner seeks regular bail on the ground that he will not tamper with the evidence or influence the witnesses.

5. Learned A.P.P. for the State has opposed the prayer for grant of regular bail to the petitioner.

6. Considering the submissions of the parties, as above and taking into consideration the nature of allegation against the petitioner who is aged about 20 years, this Court observes that the petitioner can fall in bad company in the jail and same will not be in the interest of the society and taking into consideration the development, which has taken place after rejection of the earlier bail application of the petitioner vide order dated 26.08.2022 passed in Cr. Misc. No.15439 of 2022 as well as the chargesheet has been submitted and the report to that effect has also been furnished to this Court by the Addl. District and Sessions Judge -20, Muzaffarpur bearing letter no.4 dated



23.02.2023 informing that no any prosecution witness has turned up before the trial court for evidence.

7. The another co-accused, namely, Dharmendra Kumar, who was also named in the FIR and from whose possession arms were recovered have already been granted bail, vide order dated 20.5.2022 passed in Cr. Misc. No.1184 of 2022 and another co-accused, namely, Rahul Kumar, from whose possession also arms were recovered, has been granted bail vide order dated 07.12.2022 passed in Cr. Misc. No.18531 of 2022.

8. Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Mahendra Mishra, J.M. Ist Class (West) Muzaffarpur/concerned court in connection with Baruraj P.S. Case No. 140/21, subject to the following conditions:-

- (i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.
- (ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.
- (iii) 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.



- (iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps for cancellation of bail bonds.

(Purnendu Singh, J)

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