

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14804 of 2023

Arising Out of PS. Case No.-502 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Aman Kumar @ Ravi Raj @ Bhagina, S/O Amiri Lal Prasad, R/O Village-
Mahnar Ward No-7, P.S- Mahnar, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 26-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Hajipur Sadar P.S. Case No.502 of 2021 lodged on 26.05.2021 under Sections 309, 402, and 414 of the Indian Penal Code read with Sections 25(1-B) a, 26/35 of the Arms Act, 1959.

3. As per the prosecution case, on being received secret information to the effect that some miscreants are planning to commit dacoity, the police made a raid in a mango orchard where on seeing the police, the accused persons started to flee, but on chase being made by the police four of them were arrested, including the petitioner. On search being made, one loaded country-made pistol and a mobile phone were recovered from the possession of the petitioner.



4. It is submitted by learned counsel for the petitioner that the prayer for bail of the petitioner was earlier rejected vide order dated 16.08.2022 passed in Criminal Miscellaneous No.13704 of 2022 on the ground of discrepancy found in the criminal antecedent of the petitioner as mentioned in paragraph no.3 of the bail petition and paragraph no. 62 of the case diary. Learned counsel for the petitioner further submits that the petitioner is in custody since 27.05.2021 having four criminal cases pending against him apart from the present case.

5. Learned counsel for the petitioner further submits that in pursuance to the order dated 12.07.2023 passed by this Court, a counter affidavit has been filed in this case by the present I.O stating therein that the statement made in paragraph no.3 of the bail petition to the effect that the petitioner is accused in four more criminal cases apart from the present case, is correct, but the earlier I.O. has mentioned wrong description in paragraph no.62 of the case diary by mentioning three more cases which do not belong to the petitioner.

6. Learned counsel for the State submits that due to inadvertence on the part of the earlier I.O. of this case, the petitioner remained in jail, but he submits that it is true that the petitioner has four criminal antecedents apart from the present



case.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali in connection with Hajipur Sadar P.S. Case No. 502/2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

8. However, the Superintendent of Police, Vaishali at Hajipur is directed to take action by the issuance of a warning against the earlier I.O. of Hajipur Sadar P.S. Case No. 502/2021 for committing such a mistake. The Superintendent of Police, Vaishali at Hajipur shall also ensure that such a mistake shall not take place in the future on the part of the earlier I.O.

9. Accordingly, the present application stands disposed of.

(Dr. Anshuman, J)

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