

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56226 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Ajay Kumar @ Diamond Son of Yadunandan Sharma, Resident of Village -
Chhapki Parhi, P.S.- Sadar, District – Darbhanga. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Adv.
For the State	:	Mr. Rajendra Singh Shastri, APP.
For the Informant	:	Mr. Bhubneshwar Mahto, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Khodawandpur P.S. Case No. 81 of 2022, lodged under Sections
395/397/307/326 of the Indian Penal Code read with Section 27
of the Arms Act.

As per prosecution case, in the F.I.R. the allegation of
dacoity is there against 7 unknown accused persons. The
allegation of firing by which injury took place are there in the
F.I.R.

Learned counsel for the petitioner submits that
nothing was recovered from the possession of petitioner, his
name has figured in this case by virtue of confessional statement



of co-accused. He further submits that petitioner is in custody since 19.04.2022 thereafter he was not put on TIP. He also submits that there are 2 criminal cases pending against him and in both the case he is on bail. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He also submits that charge has been framed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that from the CDR as mentioned in the investigation the entire movement history of present petitioner are there. By which it became crystal clear that he was present near the place of occurrence.

Upon specific query by the Court that whether informant has adduced his evidence or not ? Learned counsel submits that charge has already been framed and the informant had already adduced his evidence.

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 S.D.J.M., Manjhaul in connection with Khodawandpur P.S. Case No. 81 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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