

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59461 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- MAHNAR District- Vaishali

=====

Jitendra Das @ Virchandra S/O Rajdeo Das Resident of village- Rampur
Shyam Chowk, P.S.- Raghapur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate.

For the Opposite Party/s : Mr. Khurshid Anwar, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Anuj Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Mahnar P.S. Case No. 324 of 2021, registered
for the offences punishable under Sections 414, 399, 402 of the
Indian Penal Code, under Sections 25(1-b)A, 26, 35 of the Arms
Act and Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The police in course of vehicle checking, received



secret information that some persons are assembled to commit some crime, raid the place of occurrence and apprehended the petitioner and other co-accused persons. On search one country made loaded pistol was recovered from the possession of the petitioner. It is further alleged that other incriminating materials including the arms and wine was also recovered from the possession of the other co-accused persons.

Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the person and possession of the petitioner, however, only on account of the past two criminal antecedent his name has been implicated in this case showing the recovery from his possession. He further submits that the petitioner is in custody since 30.10.2021 and is ready to give undertaking that he will fully cooperate in the trial.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender as he has found involved in two other criminal cases of identical nature.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the investigation of the crime is already complete, let the



petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2nd-cum- Additional District & Sessions Judge, Hajipur, Vaishali, in connection with Mahnar P.S. Case No. 324 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

