

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66663 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- AGAMKUAN District- Patna

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AJAY KUMAR @ SONU Son of Chandradeep Prasad R/o vill - Surangapar,
P.S. - Fatuha, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Vijay Anand, Adv. Mr. Roop Kishan, Adv.
For the Opposite Party/s :		Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Agamkuan P.S. Case No. 242 of 2023 registered for the offences
punishable under Sections 399, 402, 414 of the I.P.C. and
Section 25(1-b)a/26/35 of the Arms Act and Section 37 of the
Bihar Prohibition and Excise Act.

3. As per prosecution case, one country made pistol
was recovered from the possession of the petitioner and he was
found in drunken condition.

4. Learned counsel for the petitioner submits that
on similar and identical allegation, co-accused Rajeev Ranjan @
Dimpal has already been granted bail by the co-ordinate Bench



of this Court vide Cr. Misc. No. 43513 of 2023 and on the principle of parity, petitioner also deserves bail. Learned counsel further submits that as per the Forensic Fire Arm Examination report, the alleged country made pistol is found to be ineffective, as mentioned in para 8 of the bail petition. Petitioner is in custody since 10.03.2023 and bears criminal antecedent of ten cases. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is innocent and has falsely been implicated in the present case. Seizure list has not been prepared as per the law.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna City, Patna in connection with Agamkuan P.S. Case No. 242 of 2023, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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