

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78266 of 2023**

Arising Out of PS. Case No.-353 Year-2018 Thana- MUNGER MUFFASIL District- Munger

SIBENDRA @ SHAILENDRA RAJAK @ SHAILENDRA RAJAK S/O  
PURUSHOTTAM LAL RAJAK R/O VILLAGE/MUHALLA-  
PANCHSHEEL NAGAR, PS. GORAKHPUR, DIST. JABALPUR (M.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      01-12-2023                      Heard the parties.

2. The petitioner is in custody in connection with Muffasil P.S. Case No. 353 of 2018 for the offence under Sections 121, 379, 414, 120(B) and 34 of the Indian Penal Code, sections 25(1-A), 25(1-AA), 25(1-B)A, 26 and 35 of the Arms Act and section 39 of the U.A.P. Act lodged on 30.09.2018 by the informant, Bindeshwari Yadav.

3. Earlier the petitioner had moved for grant of bail which was withdrawn on 29.08.2023 in Cr. Misc. No. 56253 of 2023.

4. Another bail application has now been filed.



5. It is the case of the petitioner on the basis of recovery of arms/rifles from the place of one Ajmeri Begum, he has also been dragged in the case and due to his criminal antecedent has remained in custody since 08.10.2019 (as stated in paragraph 6 of the bail application) and the trial has still not been started.

6. The case is that on the confession of one Md. Rizwan @ Bhutto, the place of Ajmeri Begum was searched and A.K.- 47 rifles and another arms were recovered. Later, the name of the petitioner cropped up in course of investigation.

7. Further, while some other accuseds including Ajmeri Begum (Cr. Misc. No. 25164 of 2023) have been granted bail, he is languishing since last four years.

8. Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedents.

9. Considering the aforesaid submissions put forward by the learned Counsel for the petitioner as also the fact that some others have been granted bail, he has remained in custody for more than four years, it would suffice if he is released on bail after framing of the charges in view of the fact that he has criminal antecedent.



10. Let the petitioner be released on bail but only after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, District-Munger in connection with Mufassil P.S. Case No. 353 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

11. With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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