

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36040 of 2024

Arising Out of PS. Case No.-84 Year-2021 Thana- MUFFASIL District- West Champaran

Bajrangi Ram @ Vishal Ram @ Vishal Kumar Son of Binod Ram, Resident of Village - Chhawani, P.S.- Bettiah Muffasil (Manuapul), District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the Opposite Party : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr. Sanjeev Kumar, the learned counsel for the petitioner and Mr. Anil Kumar, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 29.01.2021 in connection with Sessions Trial No. 193 of 2022, arising out of Bettiah Muffasil (Manuapul) P.S. Case No. 84 of 2021, FIR dated 28.01.2021, registered for the offences punishable under Sections 413 and 414 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to the prosecution case, the informant while patrolling received a secret information and accordingly reached at the alleged place and started vehicle checking. It is further alleged that the accused person and his associates upon



seeing the police tried to flee away, however, the police caught the accused person namely, Bajrangi Ram and two other associates while one more person managed to flee. It is further alleged that a country made *katta* loaded with a live cartridge, another live cartridge and one motorcycle were recovered from the possession of Bajrangi Ram and one live cartridge each was recovered from the other two associates.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR and seizure list, it appears that one loaded country made pistol, one live cartridge and one motorcycle has been recovered from the possession of the petitioner. He further submits that although recovery has been made from the possession of the petitioner, but there is non-compliance of Section 100 of the Cr.P.C. He further submits that other co-accused persons namely, Suraj Kumar @ Suraj Kumar Baitha, Sudhanshu Kumar @ Sudhanshu Ram and Chunnu Ram have been granted bail by this Court and other co-ordinate Bench of this Court vide orders dated 25.11.2021, 21.01.2022 and 25.03.2022 passed in Cr. Misc. No. 31135 of 2021, Cr. Misc. No. 54651 of 2021 and Cr. Misc. No. 62514 of 2021 respectively. He lastly submits that the police after



investigation has submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 29.01.2021.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and arms and other articles have been recovered from his possession and apart from that the petitioner carries seven criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Bettiah, West Champaran / Successor Court, in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 84 of 2021, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall



be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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