

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54297 of 2024

Arising Out of PS. Case No.-4 Year-2017 Thana- KHAGARIA District- Khagaria

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Ajay Singh @ Ajay Mahanth Son of Late Arjun Singh Resident of village -
Bhadas South, P.S.- Muffasil, District - Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Khagaria (Muffasil) P.S. Case No. 4 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 324, 307, 353 and 120B of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 11.01.2023. The petitioner has got eight criminal antecedents but he is on bail in all these cases.

3. As per the prosecution story, on 02.01.2017 at 22.00 hours, the informant, who is a police personnel, received an information that a notorious criminal Sujay Singh @ Fighter alongwith 7-8 associates has assembled near a temple in order to commit some crime. Upon such information, the informant

reached at the said place and on seeing the police party, the accused persons started fleeing away and also fired upon the police in which informant sustained firearm injury but all the accused managed to flee away taking advantage of darkness.

4. Learned counsel for the petitioner submits that on bare perusal of the FIR it would appear that it has been registered on the basis of the *fardbeyan* of the Sub-Inspector of Police who has simply named this petitioner as one of the persons whom he had seen fleeing away after the police arrived. It is submitted that although in the *fardbeyan* it is stated that the miscreants had made 8-9 round of firing but no seizure list has been enclosed to the FIR. In any case, there is no allegation against this petitioner that he was seen with any firearm or had been seen firing upon the police personnel. He is in custody in connection with this case since 11.01.2023.

5. Learned counsel submits that the petitioner has got altogether eight criminal antecedents, however, he is on bail in all the cases. On query made by this Court as regards the bail of the petitioner in the cases at serial no. (i) to (vi), learned counsel submits that in those cases also the petitioner is on bail.

6. Learned APP has though opposed the prayer for bail of the petitioner but considering the kind of allegations

against the petitioner and his custody in connection with this case as also that he has already been granted bail in all other cases, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 4 of 2017 subject to the condition as laid down under Section 437 (3) Cr.P.C.

7. And further condition that 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 steps 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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