

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7059 of 2020**

Arising Out of PS. Case No.-991 Year-2019 Thana- SONEPUR District- Saran

BINOD SINGH Son of Baleshwar Singh Resident of Village - Jaitiya, P.S.-
Sonepur, Distt - Saran.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Advocate Mr. Mukesh Kumar Singh
For the Opposite Party/s :		Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 25-06-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner apprehends arrest in Sonepur PS Case No. 991 of 2019 registered under Sections 399, 402, 412, 216(A) of the IPC and Sections 25(1-b)a/26/35 of the Arms Act.

Five persons are alleged to have been apprehended from the house of the petitioner, allegedly constructed over a disputed land. Allegation is that they were planning a crime. From the five accused persons total three country made pistols, one revolver and nine live cartridges have been recovered.

Learned Senior Counsel for the petitioner submits that the petitioner has been implicated at the instance of one Ashok Kumar, owner of the house in question, in collusion with the police. Said Ashok Kumar had earlier filed Sonepur PS Case Nos. 754 of 2019



and 770 of 2019 against the Circle Officer and the petitioner besides others, in which the possession of the house in question was shown in his favour. The petitioner's implication is merely on the basis of alleged confessional statement of co-accused Suman Kumar. The petitioner, even as per prosecution case, was not at the place from where the recovery has been made and the five persons have been arrested. The petitioner is on bail in the other three cases pending against him, details of which have been disclosed in para 3 of the petition.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Saran, Chapra in Sonepur PS Case No. 991 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

