

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6099 of 2020**

Arising Out of PS. Case No.-330 Year-2019 Thana- PAKRIDAYAL District- East Champaran

MUNNA KUMAR Son of Jaynarayan Sah Resident of Village - Hathiyahi
Chakdeh, P.S.- Piprakothi, Distt - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 04-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

This is an application for grant of regular bail to the

petitioner in connection with Pakaridayal P.S. Case No. 330 of

2019 registered for the offence punishable under Sections 398,

401, 414 of the Indian Penal Code and Sections 25(1-b), a, 26, 35

of the Arms Act.

Learned counsel for the petitioner submits that the

petitioner has falsely been implicated in this case. It is further

submitted that prior to the present case the petitioner has no

criminal antecedent and only after his arrest in the present case he

has been remanded in the cases as indicated in paragraph '3' of the



present application. It is further submitted that for the alleged recovery of country made pistol the petitioner is in custody since 18.10.2019 and investigation against him is complete.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that prior to the present case the petitioner was not named in any of the cases and only after his arrest in connection with the present case, he has been taken on remand in four other cases as stated in paragraph '3' of the application as also that as per seizure list a country made pistol has been recovered from possession of the petitioner and the petitioner has already remained in custody since 18.10.2019, investigation against him is complete and it is not the submission of learned counsel for the State that the release of the petitioner at this stage is in any way likely to adversely affect the course of trial, let the petitioner above named be released on bail in connection with Pakaridayal P.S. Case No. 330 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned 5th Additional Chief Judicial Magistrate, East Champaran at Motihari, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

