

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6151 of 2020**

Arising Out of PS. Case No.-258 Year-2019 Thana- MADHUBAN District- East Champaran

MD. SARBAJ ANSARI Son of Late Md. Idrish Ansari Resident of Village-
Bara Kailahara, P.S.-Madhuban, District-East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

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

4 08-06-2020 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.

The petitioner in the present case is seeking regular bail

in connection with Madhuban P.S. Case No. 258 of 2019

registered for the offences punishable under Sections 25(1-b)a,

26/35 of the Arms Act.

Learned counsel for the petitioner submits that the arms

and cartridges were not recovered from possession of the

petitioner rather the same has been planted at the instigation of

some persons inimical to the petitioner. It is submitted that the

petitioner has been remanded in two other cases after arrest in the

present case and in those cases he has been admitted to bail. In the



present case the petitioner is in custody since 06.11.2019.

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 submitted that the alleged arms and cartridges were not recovered from possession of the petitioner and the name of the petitioner and alleged recovery has been planted by Police at the instance of some local inimical people as also that petitioner has been remanded in two other cases after arrest in the present case and in those cases the petitioner is on bail as also that in connection with the present case the petitioner is in custody since 06.11.2019, investigation against him is complete and there is no submission on behalf of the State that the release of the petitioner at this stage is in any way is likely to adversely affect the course of trial, let the petitioner above named be released on bail in connection with Madhuban P.S. Case No. 258 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 4th 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'.

