

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7573 of 2020**

Arising Out of PS. Case No.-37 Year-2019 Thana- ADAPUR District- East Champaran

BHOLA PANDIT Son of Late Dinanath Pandit Resident of Village - Runia
Tola, P.S.- Adapur, Dist.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Partys

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr.Binod Kumar No. 3, APP

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

3 29-05-2020 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 Adapur P.S. Case No. 37 of 2019

registered for the offences punishable under Sections 385, 387

of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner has been made accused in this case only because of

his criminal antecedent, otherwise there is no material to

connect in the present case. It is submitted that as per the

prosecution version, on 10.02.2019 the informant received a



message on his mobile phone no. 8804576364 from mobile phone no. 8809030547 by which a demand of Rs. 5 lakhs was made disclosing the name of this petitioner. Again demand was made from mobile no. 59039000 in the name of this petitioner. Another call was also made from mobile no. 9779806875503 but in course of investigation the Police has not found any connection between these three mobile numbers from which calls were made to the informant and this petitioner is not the registered user of the said mobile phones. In course of raid the Police has arrested this petitioner on 24.2.2019 and recovered three SIMs numbers which are indicated in paragraph '7' of this application but these SIMs numbers are not connected to the mobile numbers from which message was sent to the informant.

It is submitted that the petitioner has remained in custody for over three months, investigation against him is complete and at this stage if the petitioner is released on bail he would be ready to abide by the terms and conditions which may be imposed against him.

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

Having heard learned counsel for the petitioner and learned APP for the State as also on perusal of the records



including the case diary, this Court has noticed that the investigating officer has collected the CDR of mobile no. 8804576364. The I. O. Could not get the CDR of mobile no. 8809030547 and in course of investigation the I. O. has not indicated that whether the petitioner has any connection with the mobile no. 8809030547 or other two numbers. Petitioner has remained in custody for more than three months, the investigation against him is complete, there is no submission on behalf of the State that his release at this stage is likely to interfere with the course of trial or there is any chance of tampering with investigation, let the petitioner above named be released on bail on furnishing of bail bonds of of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran in connection with Adapur P.S. Case No. 37 of 2019 (Trial No. 2873 of 2019), 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, of 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 disposed of.

(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'.

