

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10788 of 2020

Arising Out of PS. Case No.-883 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Aniket Kumar @ Govind Kumar, Son of Ajeet Kumar Jha, Resident of Kanti
Sateshan Tola, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard Mr. Abhay Kumar, learned counsel for the
petitioner and Mr. J.N. Thakur, learned counsel appearing for
the State.

The present application has been preferred on
behalf of the petitioner for grant of bail in connection with a
case registered for the offences punishable under Sections 272,
273, 399, 402 of the Indian Penal Code, Sections
25(1-B)a/26/27/35 of the Arms Act and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016, as amended by Act 8 of
2018.

The prosecution case, as per the written report of
Kundan Kumar, Inspector -cum- SHO, Kanti P.S. submitted to
the Additional District & Sessions Judge-12 -cum- Special



Judge, Excise, Muzaffarpur, is to the effect that on 06.12.2019 at 2.00 A.M., a confidential information was received that the accused persons have assembled to commit some crime, consequently, a raid was laid when on seeing the police party, accused persons escaped from the scene and one Tata Tiago car, one Hundai Creta car and six motorcycles were intercepted, three persons were found sitting in the vehicles, who disclosed their name as co-accused Santosh Mishra, Aniket Kumar @ Govind Kumar (the petitioner) and co-accused Gaj Keshwar Tiwari. They further disclosed the name of the persons, who escaped from the scene as Mohan Choudhary, Jyoti Choudhary, Shambhu Rai, Chhotu Choudhary, Banti Choudhary, Kundan Kumar, Chandan Kumar, Indrajeet Ojha, Rahul Jha, Vikky Sah, Munna Rai, Pappu Sahni and Golu Singh. From the back of the driver seat of Tata Tiago car, one country made loaded pistol, 375 ml of Indian Made Foreign Liquor and 10 litres of spirit were recovered and from the Hundai Creta car, 20 litres of spirit were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the two cars in question, however, statement to that effect has not been made in the petition. The petitioner is owner of one of the motorcycles and



there is no recovery from conscious physical possession of the petitioner or from the motorcycle. Moreover, co-accused Santosh Mishra @ Manish Kumar Mishra has been granted bail by Co-ordinate bench of this Court vide order dated 05.02.2020 passed in Cr. Misc. No. 7730 of 2020. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The petitioner is languishing in custody since 06.12.2019 and investigation has already been concluded.

Learned APP for the State submits that the petitioner was found sitting in the car from which recovery was made.

Considering the fact that there is no recovery from conscious physical possession of the petitioner, investigation has already been concluded, period under custody and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Kanti P.S. Case No. 883 of 2019.



However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Kanti P.S. Case No. 883 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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