

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17742 of 2020**

1. Sanjay Sah aged about 22 years, (male) son of Jibachh Sah @ Jibachh
2. Jibachh @ Jibachh Sah aged about 57 years (male), son of Late Jangi Lal Sah,
Both R/o village- Hariraha Dhatta Tole, P.S.- Andhramath, District-
Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Gagandeo Yadav, Advocate
For the Opposite Party/s :	Mr. Laxmikant Sharma, APP
	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-05-2020 This application has been placed for consideration by

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

The petitioners are seeking regular bail in connection
with Laukahi P.S. Case No. 75 of 2018 registered for the
offence punishable under Sections 272, 273/34 of the Indian
Penal Code and Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

It is the case of the petitioners that no incriminating
article has been recovered from their conscious possession, the
seized tempo and the motorcycle do not belong to them. It is
their further case that their names have been taken by the
apprehended accused. They are in custody since 31.01.2020



having no criminal antecedent and investigation against them is complete.

Learned APP for the State has opposed the prayer for regular bail of the petitioners. It is, however, not the case of the State that the investigation in this case is not complete and/or release of the petitioners is at this stage in any way going to affect the trial.

Considering the facts and circumstances of the case wherein it is the case of the petitioners that the seized motorcycle and tempo do not belong to them and they have not been arrested on the spot, they have remained in custody for over three months now having no criminal antecedent, there is no chance of tampering with the evidence if the petitioners are released on bail as there is no such submission on behalf of the State, this Court directs release of the petitioners above named on bail in connection with Laukahi P.S. Case No. 75 of 2018 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction learned Additional Sessions Judge -II-cum-Special Judge, Madhubani, 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 they 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 petitioners.

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'.

