

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19643 of 2020**

Arising Out of PS. Case No.-2 Year-2020 Thana- KATIHAR GRP CASE District- Katihar

Arup Modak, Son of Late Deepu Modak, R/O- Thana More Babu Para, Ward
No.- 26, P.S.- Siliguri, Distt. - Drjiling (W.B.) Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, A.P.P.

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

2 18-06-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner has prayed that the
only defect pointed out by the Stamp Reporter is in the nature of
most formal defect having no significance and hence, it may be
ignored.

Let it be ignored.

Petitioner in the present case is seeking regular bail in
connection with Katihar Rail P.S. Case No. 02 of 2020 (G.R.
(Rail) No. 04 of 2020 registered for the offences punishable under
Sections 401, 411, 414, 379/34 of the Indian Penal Code and
Section 20/22 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that from the
possession of this petitioner two screen touch mobiles, one black
colour old purse and a sum of Rs. 525/- with one Wilkinson blade
has been recovered.



It is submitted that there is no recovery of any narcotic substance from possession of the petitioner as it will be evident from the seizure list enclosed with the First Information Report. It is also submitted that similarly situated co-accused have been granted privilege of regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 16403 of 2020 on 03.06.2020. The petitioner is in custody in this case since 08.01.2020. He has no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but it is not denied that in the seizure list no narcotic drug or substance has been shown recovered from possession of this petitioner, further that the co-accused have been granted privilege of regular bail by a learned co-ordinate Bench of this Court and this petitioner has remained in custody for five months, investigation against him is complete and if released on bail there is no chance of tampering with the evidence.

In the given facts and circumstances, let the petitioner above named be released on bail in connection with Katihar Rail P.S. Case No. 02 of 2020 (G.R. (Rail) No. 04 of 2020 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Katihar, subject to the condition as



laid down under Section 437 (3) 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

