

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17816 of 2020**

Arising Out of PS. Case No.-318 Year-2019 Thana- LAHERIMUHALLA District- Nalanda

RAUSAN KUMAR @ RAUSHAN KUMAR S/o Vijay Kumar R/o village-
Dautpur/Daudpur, P.S.- Ben, District- Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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

2 03-06-2020 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.

This is an application for grant of regular bail to the
petitioner in connection with Laherimuhalla P.S. Case No. 318
of 2019 registered for the offence punishable under Sections
457, 380, 411 of the Indian Penal Code.

As per the first information report, the informant
while sleeping in his room in the house of one Dipu Singh, at
about 3:00 a.m. noticed that a person had entered in his room
and there was some sound whereupon the informant woke up
and shouted *Chor-Chor*; on this the person who was inside the



room started fleeing away and after pushing down the informant he fled away with Laptop, Mobile phone and Rs. 40 thousand in cash.

It appears from the seizure list that on the same day Police raided the house of one Vishnu Dayal and from the room of the petitioner who is said to be a tenant in the house of Vishnu Dayal, police seized a laptop and two mobile phones.

It is the case of the petitioner that the story of recovery of the laptop and mobile phone from his house is concocted and there is no recovery from his possession. Till date, the petitioner has not been put on test identification parade, he is in custody since 16.09.2019 and at this stage there is no chance of tampering with the evidence or absconding from judicial proceeding.

Mr. Umeshanand Pandit, learned APP for the State has opposed the prayer for regular bail of the petitioner as according to him, the petitioner has got two criminal antecedents.

Considering the facts and circumstances of the case wherein this Court has noticed that it is a case under Section 457, 380, 411 IPC in which the petitioner has remained in custody since 16.09.2019, investigation against him is complete



and there is no submission that his release on bail at this stage is likely to interfere with the course of trial as also that in two cases stated in paragraph '3' of the present application the petitioner is said to be on bail, let the petitioner above named be released on bail in connection with Laherimuhalla P.S. Case No. 318 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 Chief Judicial Magistrate, Nalanda at Biharsharif, 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'.

