

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.17756 of 2020**

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Pramod Sah aged about 27 years (male) son of Pitamber Sah, R/o village-  
Masaha Narottam, P.S.- Bairgania, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

Mr. Akhileshwar Dayal, APP

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**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 petitioner is seeking regular bail in connection  
with Bairganiya P.S. Case No. 92 of 2019 registered for the  
offence punishable under Sections 147, 148, 149, 341, 323, 504,  
353 of the Indian Penal Code and Sections 30(A)/34 of Bihar  
Prohibition and Excise Act, 2016.

It is the submission of learned counsel for the  
petitioner that no incriminating article has been recovered from  
conscious possession of the petitioner and there is general and  
omnibus allegation against the petitioner. It is further submitted  
that the petitioner is in custody since 10.02.2020 having no  
criminal antecedent.



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

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that no incriminating article has been recovered from his possession and that he has remained in custody for over three months, there is no chance of tampering with the evidence if the petitioner is released on bail as there is no such submission on behalf of the State, this Court directs release of the petitioner above named on bail in connection with Bairganiya P.S. Case No. 92 of 2019 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 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi, 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)**

Uttar/-

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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'.

