

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19597 of 2020**

Arising Out of PS Case No.-43 Year-2020 Thana- SAKRA District- Muzaffarpur

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Roshan Kumar @ Raja (Male) aged about 23 years, Son of Jay Nandan Paswan @ Jay Narayan Paswan, Resident of Village - Bhatandi, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the State : Mr. Brajendra Nath Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 01-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Chandra Shekhar Anand, learned counsel for the petitioner and Mr. Brajendra Nath Pandey, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Sakra PS Case No. 43 of 2020 dated 05.02.2020 instituted under



Sections 399, 402 of the Indian Penal Code and 25(1-B)(a), 26, 35 of the Arms Act.

4. The allegation against the petitioner is that he was caught with two other persons and from his possession, one mobile of OPPO make was recovered whereas from others one live cartridge and one loaded countrymade pistol, respectively, were recovered.

5. Learned counsel for the petitioner submitted that the police claims to have raided a graveyard in which 5-6 persons were present but they ran away and three persons, including the petitioner is said to have been caught and from him the recovery of OPPO mobile set is shown. Learned counsel submitted that the mobile set belongs to him and further that nothing else has been recovered from his possession or at the spot where he was caught. It was submitted that though a motorcycle is said to also have been recovered but there is no detail with regard to whether the motorcycle was stolen or not. It was submitted that the petitioner has no connection with the said motorcycle. Learned counsel submitted that co-accused, namely Md. Irshad, from whom a live cartridge was recovered, has been granted bail on 05.06.20220 in Cr. Misc. No. 18348 of 2020. It was further submitted that the



petitioner is in custody since 05.02.2020, having no other criminal antecedent.

6. Learned APP submitted that there has been grave lapse by the police in instituting the FIR relating to details of the seized articles, especially the motorcycle. However, he did not controvert the fact that from the petitioner only one mobile set of OPPO brand has been recovered.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM- IV, Muzaffarpur in Sakra PS Case No. 43 of 2020 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to



cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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