

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19638 of 2020**

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Md. Anwar Hussain, son of Manauwar Hussain, Resident of Mohalla-
Khalipura, P.S.-Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandeep Kumar, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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

3 14-08-2020 Learned counsel for the petitioner undertakes to remove

all the defects within three weeks after start of normal functioning of

the Court.

Heard learned counsel for the petitioner and learned APP
for the State.

This is the second attempt of the petitioner seeking regular
bail in connection with Danapur P.S. Case No.561/2019 registered
for the offences under Sections 302, 120(B), 224, 353, 307 and
414/34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of
the Arms Act.

Learned counsel for the petitioner submits that while
rejecting the prayer for bail of the petitioner vide order dated
17.12.2019 passed in Cr. Misc. No. 77550/2019 this Court had gone
through the materials available in the case diary and finding that
there was an allegation that the petitioner had allegedly arranged the
motorcycle and cartridges through his client namely Vijay Kumar



and Ravi @ Jitendra, considering the materials on the record rejected the prayer for bail of the petitioner but thereafter a learned coordinate Bench of this Court vide its order dated 20.03.2020 passed in Cr. Misc. No. 81738/2019 enlarged the co-accused Vijay Kumar on bail. A copy of the order dated 20.03.2020 passed in Cr. Misc. No. 81738/2019 has been brought on record as Annexure '3' to the present application.

It is pointed out that before the learned coordinate Bench the order refusing bail to the present petitioner has been placed whereupon the learned coordinate Bench considered the materials in the said case and took a view that the co-accused Vijay Kumar deserve privilege of bail. It is submitted that because the co-accused has already been granted privilege of regular bail, the petitioner against whom there is allegation of hatching conspiracy be also enlarged on bail. It is submitted that presently three witnesses have been examined in course of trial and the trial is not likely to be concluded immediately.

On the other hand, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that from the previous order passed by this Court it would appear that there are materials showing active participation of this petitioner in arranging the motorcycle and cartridges in order to help the co-accused Miraj fleeing away from the custody of the police during his production in the trial court.



It is submitted that the learned coordinate Bench of this Court had granted bail to co-accused Vijay Kumar from whom and co-accused Ravi @ Jitendra this petitioner had allegedly procured the motorcycle and cartridges. It is submitted that the grant of bail to the co-accused Vijay Kumar would not make any difference as the allegations against this petitioner are serious in nature and in the occurrence one Constable was also killed. Further it is submitted that this petitioner had been admittedly working for the main accused as his Pairvikar (Munsi) in the court and at this stage if he is released on bail it is likely to influence the course of trial.

Having regard to the facts and circumstances of the case and on perusal of the report received from the learned trial court wherein it is stated that the trial is likely to be concluded in about 12 months after start of normal court functioning, this Court is of the considered opinion that there is no change of circumstance so as to grant privilege of regular bail to the petitioner. The trial is in progress and this Court agrees with the submission of learned A.P.P. for the State that the release of the petitioner may adversely affect the course of trial.

This application is, thus, dismissed.

(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'.

