

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20344 of 2020**

Arising Out of PS. Case No.-288 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

Sudama Ram, Son of Late Kedar Ram, Resident of Village and P.O. Mujan,
P.S. Mohania, District - Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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

3 25-06-2020 Learned counsel for the petitioner undertakes to remove the defects within three weeks after start of normal functioning of the Court.

The Court has been informed that the matter has been placed under heading “For Orders” as the e-mentioning has been allowed.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

This is the second attempt of the petitioner seeking regular bail in connection with Mohania P.S. Case No. 288 of 2019 registered for the offences punishable under Sections 25 (1-b)A and 26 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



The petitioner has stated in paragraph '3' of this application that he has no criminal antecedent.

Learned counsel for the petitioner submits that while rejecting the prayer of bail of the petitioner on 20.11.2019 this Court has observed that the Court was not inclined to grant regular bail to the petitioner at this stage.

Learned counsel submits that the petitioner has remained in custody in connection with this case for complete one year by now and this Court has taken note of the submission of learned counsel for the petitioner in its order dated 20.11.2019 that there was no recovery from conscious possession of the petitioner. It is further submission of learned counsel that on a bare perusal of the First Information Report it would appear that the co-accused had made allegations against the son of this petitioner but the prayer for bail of the petitioner was earlier rejected at the said stage taking a view that the petitioner was also arrested from the said house from where the arms and ammunitions as also illicit liquours were recovered. The son of the petitioner is said to have already surrendered and is in custody.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, however, it is not denied



that earlier the prayer for bail of the petitioner was rejected at the said stage and now the petitioner has remained in custody for one year. His further custody is not likely to aid in investigation or help the prosecution.

Taking into consideration this aspect of the matter that the petitioner has remained in custody for one year and the conclusion of trial is likely to take substantial time and it is not the submission of the State that release of the petitioner at this stage is likely to interfere adversely with the course of trial or tamper with the evidence, let the petitioner above named be released on bail in connection with Mohania P.S. Case No. 288 of 2019 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 4th Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabhua, 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 the petitioner shall make himself available on each and every date in course of trial and two consecutive failure to attend the trial would lead to cancellation of his bail bond by the learned court below.

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 accordingly.

(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'.

