

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23602 of 2020

Arising Out of PS. Case No.-269 Year-2019 Thana- BELA District- Sitamarhi

Md. Lal Babu Shah, Age - 26 Years, Gender – Male, S/O- Md. Rafeeq Shah
@ Rafeeq Shah Resident of Village- Tilangahi, P.S.- Sonbarsa, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Soni Srivastava
For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 11-11-2020 Heard Mrs. Soni Shrivastava, learned counsel for the

petitioner and Mr. Tapeswar Sharma, learned counsel

appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Bela
P.S. Case No. 269 of 2019 registered for the offence under
Section 399 / 402 / 414 of the I.P.C. and Section 25 (1-b) a, 26 ,
35 of the Arms Act.

The allegation as per the First Information Report is
that the Police on the basis of confidential information arrived
at the place of occurrence and upon seeing the Police party the
accused persons tried to flee away however the Police arrested
the petitioner along with other accused persons and from
possession of the petitioner one mobile phone and a motorcycle



were recovered, whereas from possession of other accused persons fire arms with live cartridges and other articles were recovered.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. Learned counsel further submits no incriminating article has been recovered from the possession of the petitioner and only a mobile phone along with motorcycle has been recovered and there is no material to show that the motorcycle recovered from the petitioner was stolen one or was subject matter of any criminal case. Learned counsel further referring to Annexure – 2 to the supplementary affidavit submits that the other co- accused persons from whose possession fire arms have been recovered have been granted bail by this court in Cr. Misc. No. 24566 of 2020. Learned counsel further submits that petitioner is in custody since 16.12.2019.

Having heard learned counsel for the parties and taking into consideration the materials available on record , the fact that similarly situated co-accused persons have been granted bail, no fire arms or other incriminating article has been recovered from the petitioner and petitioner is in custody since 16.12.2019, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Sitamarhi / court concerned in connection with Bela P.S. Case No. 269 of 2019 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall be liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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