

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21394 of 2020**

Arising Out of PS. Case No.-596 Year-2019 Thana- MADHAURAH District- Saran

RAJNISH KUMAR @ BHUWAR Son of Arun Singh Resident of Village-
Bhakhura, P.S.- Baniapur, District- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

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

2 02-07-2020 Learned counsel for the petitioner undertakes to remove the defects, as pointed out by office, within three weeks after start of normal functioning of the Court.

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

Petitioner, in the present case, is seeking regular bail in connection with Madhaurah P.S. Case No. 596 of 2019 registered under Sections 147, 148, 149, 323, 325, 326, 379, 332, 307, 302, 504, 120(B) of the Indian Penal Code and Sections 25(1-b)1, 26, 35, 27 of Arms Act.

Learned counsel for the petitioner submits the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the First Information Report and his name has surfaced in the confessional statement of the co-accused Manoranjan Kumar Singh who has already been



granted regular bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 81598 of 2019 vide order dated 20.03.2020 (Annexure '3'). The petitioner is in custody since 29.08.2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is noticed from the materials on the record that the petitioner is not named in the First Information Report and his name has surfaced in the confessional statement of the co-accused Manoranjan Kumar Singh @ Bholu Singh @ Bholu @ Bholu Mukhiya and it is the submission of learned Senior Counsel for the petitioner that said Manoranjan Kumar Singh has already been granted regular bail by a learned Coordinate Bench of this Court in Cri. Misc. No. 81598 of 2019 vide order dated 20.03.2020 (Annexure '3') and this petitioner against whom there is no overt act alleged is similarly situated to co-accused Manoranjan Kumar Singh, he is in custody since 29.08.2019, investigation against him is complete, the trial is not likely to be concluded in near future and it is not the submission of the State that the release of the petitioner at this stage is likely to interfere with the course of trial or tamper with evidence, let the petitioner above named be released on bail on furnishing bail bonds of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Saran at Chapra in connection with Madhaurah P.S. Case No. 596 of 2019



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, or 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 is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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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'.

