

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21184 of 2020**

Arising Out of PS. Case No.-613 Year-2018 Thana- PHULWARISHARIF District- Patna

Md. Mustaquim @ Kallu @ R.K., Son of Md. Munnuddin @ Md. Anwar,
Resident of Phulwari Sharif, Gulistan Mohalla, P.S.- Phulwari Sharif, District
- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

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

2 30-06-2020 Learned counsel for the petitioner undertakes to

remove the defects within three weeks after start of normal

functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Phulwari Sharif P.S. Case No. 613 of 2018

registered for the offences punishable under Sections 399, 402,

414 of the Indian Penal Code and Section 25 (1-b)a/26/35 of

Arms Act.

Earlier the prayer for bail of the petitioner was

rejected by this Court vide order dated 04.12.2019 passed in Cr.

Misc. No. 72087 of 2019.



Learned counsel for the petitioner submits that the learned co-ordinate Bench of this Court has granted regular bail to the co-accused in this case, however, those could not be brought to the notice of this Court at the earlier occasion. It is submitted that the co-accused from whose possession also some money was recovered and another co-accused who had criminal antecedent have been released on bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 20894 of 2019 and Cr. Misc. No. 12182 of 2019, therefore, at this stage, when the petitioner has already remained in jail for ten months and the trial has not yet started, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner saying that earlier the prayer was rejected by this Court but on finding that the petitioner has brought on record some orders passed by learned co-ordinate Benches of this Court by which co-accused have been granted regular bail and in fact one of the co-accused Rahul Kumar who has been granted regular bail in Cr. Misc. No. 12182 of 2019 had been found in possession of one live cartridge and Rs. 1,56,000/- and further taking into consideration the submission of learned counsel for the State that the trial has not yet started and is not likely to be concluded



in near future, this Court being of the view that further incarceration of the petitioner in connection with this case is not likely to come in aid of investigation or help the prosecution, let the petitioner above named be released on bail in connection with Phulwari Sharif P.S. Case No. 613 of 2018 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 Sub-Judge -XV-cum-A.C.J.M., Patna, 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 there being criminal antecedent of the petitioner, if the petitioner is found involved further in the offence of like nature, the Investigating Officer of



this case or the trial court as the case may be shall take steps for cancellation of bail of the petitioner. And further condition that the petitioner shall present himself in course of trial on each and every date fixed in the matter, two consecutive failure to appear in the trial court would lead to cancellation of his bail. One of the bailors of the petitioner would be his family member having no criminal antecedent.

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'.

