

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24269 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- KUDHNI District- Muzaffarpur

Shyam Kumar Jha Son of Harinath Jha Resident of Village- Galimpur, P.S.-
Rajepur, District- East Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party : Mr. Anil Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

The petitioner seeks bail in a case registered for the offence punishable under sections 399, 402, 414/34 of the Indian Penal Code and under sections 25(1-b)a, 26 & 35 of the Arms Act.

Police, on the secret information that the miscreants have assembled for preparing some offence, raided hotel of co-accused Saroj Singh and arrested some accused persons including the petitioner. Police recovered two live cartridges, one mobile phone and one pulsar motorcycle from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to enmity and previous grudge and dirty local politics. He submits that no such incident had taken place rather on the date of occurrence petitioner and his co-villager were going to Patna and near Baliya bridge they were caught by the police. He



submits that nothing incriminating has been recovered from the possession of the petitioner and the motorcycle in question has been registered in the name of the petitioner. Petitioner has got no criminal antecedent and he is in custody since 25.1.2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate III, West Muzaffarpur in Kudhani Police Station Case No. 41 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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