

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21353 of 2020**

Arising Out of PS. Case No.-648 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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RAUSHAN KUMAR @ RAUSHAN SHAHI Son of Suresh Shahi R/o
Village- Sahwazpur, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 01-07-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by office within three weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Kanti P.S. Case No. 648 of 2019

registered for the offences punishable under Sections 25(1-b)a,

26/35 of the Arms Act.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case. It is submitted that no incriminating material

was found from the possession of the petitioner. The



petitioner is in custody for ten months.

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, learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as no arm or ammunition or any incriminating material was found in his possession and further the co-accused Vikash Kumar from whose possession the pistol was recovered has been granted bail in Cri. Misc. No. 84941 of 2019 further that the petitioner has remained in custody for ten months approximately in connection with this case, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur in connection with Kanti P.S. Case No. 648 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, oft



he 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'.

