

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26237 of 2020**

Arising Out of PS. Case No.-834 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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MD. OSAMA S/o Md. Sakil Resident of Village- Dharmpur, P.S.- Sadar,
District- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 13-10-2020 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by Stamp Reporter 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 Muzaffarpur Sadar P.S. Case No. 834 of 2019
registered for the offences punishable under Sections 395, 397, 427
of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is said to be in custody since 06.12.2019. The name of the
petitioner has transpired in the statement of the apprehended accused.

It is the submission of learned counsel for the petitioner
that save and except that the name of the petitioner has come in the
confessional statement of the co-accused Aman Sultan there is no



material at all against him, nothing has been recovered from his possession and he has got one criminal antecedent. It is further submitted that the other accused whose name has transpired in the confessional statement have been granted regular bail by learned Co-ordinate Benches of this Court in Cri. Misc. No. 18212 of 2020, 19532 of 2020 and Cri. Misc. No. 23205 of 2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, wherein the name of the petitioner has transpired in the confessional statement of co-accused but there is no recovery from the petitioner, he is in custody since 06.12.2019 and co-accused persons similarly situated have been granted bail by learned Co-ordinate Benches of this Court and further that in the case stated in paragraph '3' of the present application being one criminal antecedent, the petitioner has moved this Court and his prayer for bail is pending, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Muzaffarpur, in connection with Muzaffarpur Sadar P.S. Case No. 834 of 2019 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 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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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'.

