

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23984 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- BARH District- Patna

SANTOSH KUMAR Son of Kauilu Mahto Resident of Village and P.S.-
Badhaiya, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-11-2020 Heard Mr. Deepak Kumar, learned counsel for the

petitioner and Mr. Dilip Kumar No. 1, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Barh
P.S. Case No. 98/2020 (Special Case No. 41 of 2020) registered
for the offences punishable under Sections 25(1-b)a, 26, 35 of
the Arms Act and 20/22 of the NDPS Act.

The allegation as per the First Information Report is
that the police on the basis of secret information proceeded
towards the place of occurrence and arrested altogether nine
persons and from possession of co-accused Abhishek Kumar @
Golu, one country made loaded pistol and a cartridge have been
recovered. It has further been alleged that some mobiles, along
with other articles including 1.2 kilograms of *Ganja* from



possession of other co-accused persons have also been recovered.

Learned counsel for the petitioner submits that there is no recovery from possession of the petitioner and he has got no criminal antecedent. Learned counsel further submits that petitioner has falsely been implicated in this case with oblique motive. Learned counsel also submits that similarly situated co-accused Abhishek Kumar @ Golu from whose possession one country made loaded pistol and a cartridge were recovered, has been granted regular bail by this Court vide order dated 10.11.2020 passed in Cr. Misc. 23801 of 2020. Petitioner is said to be in custody since 04.03.2020.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused has been granted regular bail by this Court and petitioner is in custody since 04.03.2020 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ VII, Patna, in connection with Barh



P.S. Case No. 98/2020 (Special Case No. 41 of 2020) subject to
the following conditions:

(i) that the petitioner shall fully co-operate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bonds of the petitioner.

(ii) that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(iii) that the petitioner shall not leave the country without permission of the learned trial court.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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