

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27265 of 2020**

Arising Out of PS. Case No.-878 Year-2019 Thana- SARAIYA District- Muzaffarpur

RAJESH KUMAR Son of Fuldev Sah Resident of Village - Gariba, P.S. -
Paroo, District - Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 19-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four 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 Saraiya P.S. Case No. 878 of 2019 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-B)A, 26/35 of the Arms Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he was arrested by the Police on the given place where he had assembled with some of his friends and from his possession one knife was recovered.



It is submitted that co-accused Deepak Kumar from whose possession a loaded pistol was recovered has been granted regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 22568 of 2020 vide order dated 01.09.2020. It is further submitted that the petitioner has otherwise no criminal antecedent and he is in custody since 31.12.2019.

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 and the fact that co-accused has already been granted regular bail by a learned co-ordinate Bench of this Court and the petitioner is in custody since 31.12.2019 and having otherwise no criminal antecedent, 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 A.C.J.M. 1st West Muzaffarpur in connection with Saraiya P.S. Case No. 878 of 2019, G.R. 4278 of 2010, 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.

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 step for cancellation of bail bond of the petitioner.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

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'.

