

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27394 of 2020**

Arising Out of PS. Case No.-29 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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DINESH PRASAD KUSHWAHA @ DINESH KUSHWAHA @ DINESH
MAHTO S/o Late Prahalad Mahto Resident of Village- Hira Pakar, P.S.-
Manuapool, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 20-10-2020 As of now, the Courts have not resumed normal
physical hearing. The matter has been listed today for
consideration through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Kumar Virendra Narayan, APP is appearing as it is
submitted that the brief has been allotted to him by the Office of
Advocate General. His name may also be printed in the cause
list.



The petitioner seeks bail in Bettiah Town Police Station (for brevity, PS) Case No 29 of 2019 instituted for the offence punishable under Sections 398, 402, 120B of Indian Penal Code and Sections 25 (1-b) a, 26, 35 of Arms Act.

Two persons have been apprehended possessing arms. They have disclosed names of the petitioner and one another to be the suppliers of the arms.

Petitioner's counsel submits that on account of such allegations, the petitioner is in custody since 23.04.2020, while the two apprehended persons, from whom the arms were recovered, have been allowed bail by this Court in Cr Misc No 32946 of 2019 and Cr Misc No 30997 of 2019 respectively. The submission is of false implication merely due to the criminal antecedent.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in Bettiah Town PS Case No 29 of 2019 subject to the following



conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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