

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27334 of 2020**

Arising Out of PS. Case No.-41 Year-2020 Thana- MUSAHARI District- Muzaffarpur

Md. Kuraish, S/o Late Jainul Haque, Resident of Village-Munni Bangri,
Police Station-Pear (Hatha O.P.), District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, A.P.P.

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

2 21-10-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday
Pratap Singh, learned A.P.P. for the State.

The petitioner in the present case is seeking regular

bail in connection with Mushahari P.S. Case No. 41 of 2020

registered for the offences punishable under Sections 120(B),

414 of the Indian Penal Code and Section 25(1-B), a, 26 and 35

of the Arms Act.

Learned counsel for the petitioner submits that

although in paragraph '3' it is stated that petitioner has got no

criminal antecedent but now a supplementary affidavit has been



filed stating therein that petitioner has got one criminal antecedent being Pear P.S. Case No. 176 of 2018 under Section 302/34 I.P.C. in which the petitioner is on bail.

Office shall place the said supplementary affidavit filed yesterday in this case on record.

Learned counsel for the petitioner submits that from the First Information Report itself it will appear that so far as this petitioner is concerned, no arm or ammunition has been recovered from his possession. The seizure list shows recovery from (1) Sonu @ Javeer (2) Raushan Kumar and (3) Nazimuddin. The allegation against the petitioner is that he had hired those criminals for committing murder of his own brother.

Learned counsel submits that the allegations are only false and flimsy and the petitioner has been made accused in this case without there being any material to connect him in such hiring of criminals. It is nothing but a mere suspicion and no direct or circumstantial material is there.

Learned APP for the state has opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, wherein the name of the petitioner is said to have transpired in the statement of co-accused Sonu but there is neither any recovery of firearm or ammunition from the



possession of the petitioner nor any other material has been pointed out to connect with the said accused Sonu, the petitioner has remained in custody in connection with this case since 06.03.2020, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-6th , Muzaffarpur in connection with Mushahari P.S. Case No. 41 of 2020, 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, or 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 appear in the trial court on the fixed date in the matter and two consecutive default



in putting appearance without leave of the court would invite action towards cancellation of bail.

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.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

