

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27459 of 2020

Arising Out of PS. Case No.-56 Year-2020 Thana- MANIYARI District- Muzaffarpur

Awadhesh Kumar @ Radhe @ Awadhesh Rai, S/o Late Kailash Rai, at
present resident of Village-Chakbhikhi, P.S-Maniyari, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-10-2020 Since as of now the Courts have not resumed
normal physical hearing, the matter has been listed today
for consideration through video conferencing.

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

Smt. Meena Singh, learned APP is appearing for
the State as it is submitted that the brief has been allotted to
her by the office of Advocate General.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with



Maniyari P.S. Case No.56 of 2020 registered for the offence punishable under Section 414/34 of the Indian Penal Code and Section 25(1-b)A/26/35 of the Arms Act

The allegation is of recovery of a country-made pistol and two live cartridges from the petitioner, who was a pillion rider on the motorcycle.

Petitioner's counsel submits that the prosecution is false and based on extraneous considerations. Having no criminal antecedents, the petitioner has falsely been implicated and has been in custody since 08.03.2020. Co-accused has already been allowed bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Maniyari P.S. Case No.56 of 2020, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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