

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27266 of 2020**

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

GAURAV KUMAR Son of Radhe Jha Resident of Village- Bhewa, P.S.-
Madhuban, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar,Advocate
For the Opposite Party/s : Mr. Chaubey Jawahar, 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.
Chaubey Jawahar, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Kudhani P.S. Case No. 41 of 2020
registered for the offences punishable under Sections 399, 402,
414,/34 of the Indian Penal Code and 25(1-b)a, 26/35 of the
Arms Act.

Learned counsel for the petitioner submits that the
petitioner is alleged to have been arrested by the Police on the
given place where he had assembled with some of his friends
and from his possession one loaded 9 m.m. pistol and two live



cartridges have been recovered along with one mobile.

Learned counsel submits that the petitioner has falsely been implicated in this case. He is in custody since 25.01.2020 having no criminal antecedent.

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 the petitioner is in custody since 25.01.2020 having otherwise no criminal antecedent, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 3rd, West, Muzaffarpur in connection with Kudhani P.S. Case No. 41 of 2020, subject to the condition as laid down under Section 437 (3) 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, of 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 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 steps for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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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'.

