

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23516 of 2020**

Arising Out of PS. Case No.-86 Year-2020 Thana- NATHNAGAR District- Bhagalpur

SHANU KUMAR S/o Late Dinesh Khatik @ Dinesh Prasad Khatik Resident
of Mohalla- Tulsi Mishra Lane, Khatik Tola, P.S.- Nathnagar, Distt-
Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr Narsingh Tanti, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-09-2020

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 and the learned APP for the State.

The petitioner seeks bail in Nathnagar (Lalmatiya) Police Station (for brevity, PS) Case No 86 of 2020 instituted for the offence punishable under Section (s) 399, 402 of Indian Penal Code and Sections 25 (1-b) a, 26/35 of Arms Act.



One country made pistol is said to have been recovered from the possession of the petitioner. Prosecution alleges that the petitioner and another co-accused Rakesh Kumar @ Bhola were apprehended when they started fleeing away seeing the police.

Petitioner's counsel submits that on such allegation, and having no criminal antecedent, petitioner is in custody since 06.02.2020. It is further submitted that it is a case of false implication.

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, Bhagalpur in Nathnagar (Lalmatiya) PS Case No 86 of 2020 corresponding to GR No 497 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.

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./-

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

