

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29179 of 2020**

Arising Out of PS. Case No.-180 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

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SANJAY KUMAR S/o Mohan Pandit Resident of Village- Bishanpur, P.S.-
Minapur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-11-2020 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. Atul Chandra, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Siwaipatti P.S. Case No. 180/2019 (G.R. No. 6845/19) registered for the offences punishable under Section 414 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

Learned counsel for the petitioner submits that it is alleged in the First Information Report that the petitioner was arrested with a loaded pistol. The co-accused Subodh Kumar was also arrested with this petitioner, he was also found in possession of one loaded country made pistol.

Learned counsel submits that prior to the present case the petitioner has no criminal antecedent, however after his arrest in the present case his name has been brought in three other cases as mentioned in paragraph ‘3’ of the application out



of which in two cases petitioner has been granted bail by learned court below. It is also submitted that considering the period of incarceration of the petitioner since 27.12.2019, he deserves privilege of bail as being similarly situated to the co-accused Subodh Kumar who has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 20958/2020 (Annexure '2').

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, however in course of argument he is unable to demonstrate that the petitioner is not similarly situated to the co-accused Subodh Kumar who has been granted bail by learned coordinate Bench of this Court.

Considering the facts and circumstances of the case as noticed hereinabove, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Muzaffarpur, in connection with Siwaipatti P.S. Case No. 180/2019, 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 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)

Rajeev/-

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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'.

