

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28541 of 2020**

Arising Out of PS. Case No.-424 Year-2019 Thana- FORBESGANJ District- Araria

SHIV RATAN DAS @ LADDU S/o Shiva Nand Das @ Shivananda Lal Das
Resident of Village-Haripur, P.S-Forbesganj, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Murlidhar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 18-12-2020 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Murlidhar, learned Additional Public
Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Forbesganj P.S. Case No. 424 of 2019, registered for the
offences punishable under Sections 399, 402 of the Indian Penal
Code 1860, Sections 25(1-b)a, 26, 35 of the Arms Act and
Sections 4/5 of the Explosive Substance Act.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner has been rejected by a co-ordinate Bench of this
Court by an order dated 25.02.2020 passed in Cr. Misc. 2820 of
2020 with liberty to renew his prayer for grant of regular bail
after six months if the trial is not concluded within aforesaid



period.

The allegation as per the First Information Report is that the Police raided the house of the petitioner. However, the petitioner managed to escape after throwing a bag in the maize field and from the said bag, four pistols with magazine and 19 cartridges as well as articles for preparing bomb were recovered by the Police.

Learned counsel for the petitioner submits that the petitioner is in custody since 18.05.2019. Learned counsel referring to Annexure-3 series submits that other co-accused persons have been granted regular bail by Co-ordinate Benches of this Court in Cr. Misc. Nos. 86949 of 2019 and 75761 of 2019 respectively.

This Court vide order dated 12.11.2020 had called for a report from the learned trial court and in pursuance thereof, the report vide letter dated 8.12.2020 has been furnished and from perusal of the same, it appears that the trial of the present case has not yet been commenced.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 18.5.2019, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No. 424 of 2019 subject to the following conditions:-

(i) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(ii) that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(iii) that if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail bonds of the petitioner.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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