

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29132 of 2020**

Arising Out of PS. Case No.-528 Year-2018 Thana- KISHANGANJ District- Kishanganj

EJABUL @ AZAD @ MEHMAAN @ KALUA S/o Salam Resident of
Village-Behrora, P.S.-Baisi, District-Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 22-12-2020 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 learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in connection with Kishanganj P.S. Case No.528/2018 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and only allegation which has come in the confessional statement of the co-accused against the petitioner is that he had provided the scorpio vehicle to the co-accused. Learned counsel submits that the petitioner has remained in



jail in connection with this case since 09.03.2020, he has otherwise no criminal antecedent and his name has not transpired in the commission of alleged offences.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the FIR and only allegation which has come in the confessional statement of the co-accused against the petitioner is that he had provided the scorpio vehicle to the co-accused, the petitioner has remained in jail in connection with this case since 09.03.2020, he has otherwise no criminal antecedent and his name has not transpired in the commission of alleged offences, the investigation against him is complete but the trial is not likely to be concluded in near future and there is no submission on behalf of the State that the release of the petitioner on bail is likely to result in tampering with the evidence or interfering with the course of trial, 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 C.J.M., Kishanganj in connection with Kishanganj P.S. Case No.528/2018, 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)

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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'.

