

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29115 of 2020**

Arising Out of PS. Case No.-96 Year-2020 Thana- BUXAR District- Buxar

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MONU MISHRA Son of Om Prakash Mishra Resident of Mohalla- Shivpuri,
P.S.- Buxar (Town), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

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

2 09-11-2020 Learned counsel for the petitioner undertakes to

remove the defects, if any, within four weeks after start of

normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Sanjay Kumar Sharma, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Buxar (Town) P.S. Case No.96/2020

registered for the offence under Sections 414/34 of the Indian

Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that on

perusal of the First Information Report itself it will appear that

no fire-arm or stolen motorcycle has been recovered from the

possession of the petitioner. Raid was conducted in the house of



co-accused Himashu Upadhayay and from his possession one pistol with one live cartridge was recovered. The motorcycle was also recovered from the courtyard of said Himashu Upadhayay. So far as this petitioner is concerned, he has got one criminal antecedent in which he is on bail.

On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the submissions of learned counsel for the petitioner that there is no recovery of fire-arm from the possession of the petitioner and the petitioner is in custody in connection with this case since 27.02.2020, there being no submission that his release at this stage is likely to interfere with the course of trial, let the petitioner abovenamed 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 Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No.96/2020, 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 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.

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'.

