

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29217 of 2020**

Arising Out of PS. Case No.-36 Year-2020 Thana- BACHHWARA District- Begusarai

RUPAK SINGH S/o Chandradeo Singh @ Jiwach Rai Resident of Village-
Rupaswaj Ward No.1, P.S.-Bachhwara, District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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

2 11-11-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Bishweshwar Ram Lal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bachhwara P.S. Case No. 36 of 2020 registered for the offences punishable under Section 412 of the Indian Penal Code and Sections 25(1-b)a, 26 of the Arms Act.

Learned counsel for the petitioner submits that for the same occurrence two Police cases have been registered. Bachhwara P.S. Case No. 33 of 2020 has been registered for the offence alleged under Section 392 I.P.C. in which the petitioner is on bail. The present case has been lodged alleging that the police has recovered one country-made pistol, two live cartridges, Rs.25,000/- cash, one T.V. and a mobile subsequently from possession of this petitioner.



Learned counsel submits that on perusal of the search-cum-seizure list itself it will appear that there is no independent witness to the said seizure as both the witnesses are SAIP Jawans who were in the patrolling party.

Learned counsel submits that it is a case of false implication and the petitioner who had earlier no criminal antecedent has already remained in jail in connection with this case since 29.02.2020, investigation against him is complete and if released on bail he would abide by the terms and conditions which were imposed for purpose of grant of bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein the seizure list has been signed by two SAIP Jawans and not by independent witnesses as has been submitted and further that the petitioner had prior to this case no criminal antecedent and he has remained in custody since 29.02.2020 as also that there is no submission on behalf of the State that release of the petitioner at this stage may result in tampering with the evidence or interfering with the course of trial, let the petitioner above-named 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, Begusarai in connection with Bachhwara P.S. Case No. 36 of 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 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.

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.

This application is allowed.

(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'.

