

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30159 of 2020

Arising Out of PS. Case No.-413 Year-2019 Thana- PIPRA District- East Champaran

Munna Kumar, aged about 22 years, Male, Son of Jai Narayan Sahni,
Resident of Village - Hathiyahi Chakdeh, P.S.- Piprakothi, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the State : Mr.Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-11-2020 Heard the parties through the virtual court proceeding.

Since physical court proceeding is not functioning due
to present Pandemic Covid-19, the matter is listed with defect.

Learned counsel for the petitioner undertakes to
remove the defect within three weeks of normal functioning of
the court after the lockdown, failing which the office is directed
to place the matter before the Bench.

The petitioner seeks bail in connection with Pipra
P.S. Case No. 413 of 2019 registered for the offences punishable
under Sections 399, 402, 413, 414, 120B, 34 of the Indian Penal
Code and Sections 25(1-b)a/26/35 of the Arms Act.

On 27.11.2019, the informant, S.I., Mukesh Kumar,
recorded his self statement at near R.P.B.D. inter college,



alleging therein that on the basis of secret information, the informant along with police personnel reached at R.P.B.D. inter college, seeing police force 8-10 persons on four motorcycles started fleeing away, but on chase, six persons were apprehended, who disclosed their names as Ranjit Sahani, Sikindar Sahani, Rajendra Sahani, Dhiraj Giri, Bala Das @ Ajay Das and Afroj Alam. Apprehended persons disclosed the names of three persons who succeeded in fleeing away as Sonu Kumar, Manjit Kumar @ Pandi Jee and viran. On search, one loaded country made pistol and one cartridge was recovered from the possession of Sikindar Sahani. From the possession of Dhiraj Giri, one loaded country made pistol and one cartridge was recovered. Apprehended persons disclosed the name of the petitioner Munna Kumar as conspirator.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has not committed any offence. The petitioner is not named in the F.I.R. nor anything incriminating has been recovered from his possession nor was he even put on T.I. Parade. He further submits that the petitioner has been remanded in the present case on 16.01.2020, but no T.I. Parade has been conducted as yet. The name of the petitioner has been transpired in the case on the basis of confessional



statement of apprehended co-accused persons, namely, Ranjit Sahani, Sikindar Sahani, Rajendra Sahani, Dhiraj Giri, Bala Das @ Ajay Das and Afroj Alam. He further submits that the petitioner is in jail custody since 16.01.2020.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Pipra P.S. Case No. 413 of 2019, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself



available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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