

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26187 of 2020**

Arising Out of PS. Case No.-500 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

MANOJ CHAUBEY Son of Dhasi Chaubey Resident of Village - Khanaon,
P.S.- Bhabua, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Nityanand, APP

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

4 19-10-2020 Heard learned counsel for the petitioner and Mr.
Nityanand, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bhabua P.S. Case No.500/2019 registered for the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the name of this petitioner along with Tahalu Pandey and Sonu Pandey has come as the person with whom the husband of the informant had gone and later on his dead body was recovered. It is submitted that at the instance of Sonu Pandey the fire-arm was recovered by the police from Dalan of Shailesh Dubey. It is submitted that so far as Sonu Pandey and Tahalu Pandey are concerned, they have been granted bail by a learned coordinate Bench of this Court in



Cr.Misc.No.17708 of 2020 and Cr.Misc.No.16018/2020. It is submitted that the case of the petitioner stands on similar footing with those accused.

On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner but at the end agreed that the case of the petitioner is similarly situated to that of Sonu Pandey and Tahalu Pandey who have been granted privilege of regular bail and no additional materials is there against the petitioner.

In the given facts and circumstances of the case since the co-accused similarly situated have already been granted privilege of regular bail by learned coordinate Benches of this Court and there is no other additional material to keep the petitioner in custody, he is on bail in the two cases stated in paragraph '3' of the present application, 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 Additional Sessions Judge-X, Kaimur at Bhabua in connection with Bhabua P.S. Case No.500/2019, 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'.

