

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30461 of 2020**

Arising Out of PS. Case No.-41 Year-2020 Thana- SAHAJITPUR District- Saran

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VIVEK KUMAR SINGH Son of Ritesh Singh Resident of Village - Pipara,
P.S.- Sahajitpur, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-11-2020 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 Sahajitpur P.S. Case No. 41 of 2020 registered

for the offences punishable under Section 399, 402, 414 of the

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

Learned counsel for the petitioner submits from the

first information report that during the course of patrolling the

police saw three persons running on a motorcycle thereupon

police chased and saw that two persons entered in their home

and one person fled away with motorcycle and on search of



Aaditya Kumar one country made loaded Katta and one live cartridge were recovered and further search of the house of petitioner one Yamaha motorcycle bearing registration no. BR 24A-1318 was recovered and on query the petitioner disclosed that he has purchased the said motorcycle from Lalu Kumar and Arman Hussain, and accordingly seizure list was prepared in presence of independent witnesses.

Learned counsel for the petitioner submits that one Yamaha motorcycle was recovered from the house of the petitioner and there is no allegation that any fire-arm or ammunition has been recovered and petitioner claims that he is purchaser of the said motorcycle, he has otherwise no criminal antecedent and he is in jail since 24.06.2020.

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

Considering the facts and circumstances of the case wherein it appears that one Yamaha Motorcycle has been recovered from the house of the petitioner and there is no allegation that any fire-arm or ammunition has been recovered and further that the petitioner claims himself the purchaser of the said motorcycle, he has otherwise no criminal antecedent, he is in jail since 24.06.2020, and there is no submission on behalf



of the State that his release at this stage 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 Additional Chief Judicial Magistrate – VI, Saran at Chapra, in connection with Sahajitpur P.S. Case No. 41 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 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)

Rajeev/-

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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'.

