

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32623 of 2020**

Arising Out of PS. Case No.-237 Year-2019 Thana- CHARPOKHARI District- Bhojpur

Kush Kumar @ Baja S/o Ujagir Sah resident of village- Charpokhari, P.s.-
Charpokhari, District- Bhojpur Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

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

2 09-12-2020 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 Ms. Sucheta Yadav, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Charpokhari P.S. Case No. 237 of 2019 registered for the offences punishable under Sections 414 IPC and 25(1-b)a and 26 of the Arms Act.

Learned counsel for the petitioner submits that earlier the prayer for regular bail of this petitioner was rejected by the learned predecessor Court vide order dated 25.02.2020 passed in Cri. Mis. No. 7425 of 2020 (Annexure '1'). While rejecting the prayer for regular bail of the petitioner the learned predecessor Court had granted liberty to the petitioner to renew his prayer for bail once the charge is framed.



Learned counsel submits that in this case charge has been framed on 17.05.2020 but thereafter no witness has been examined in course of trial as yet and the trial is not likely to be concluded in near future because of the present Covid-19 Pandemic situation.

It is further submitted that in the cases stated in paragraph '3' of the present application the petitioner has already been granted bail in all the cases.

Learned APP for the State has opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein the petitioner has remained in jail since 21.11.2019, his prayer for bail was earlier rejected with an observation that he may renew the bail after framing of charge and now according to learned counsel for the petitioner the charge has already been framed but no witness has been examined and then in the cases in paragraph '3' he has already been granted bail, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned C.J.M., Bhojpur at Ara in connection with Charpokhari P.S. Case No. 237 of 2019, subject to the conditions as laid down under Section 437(3) of the 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 before issuing the release order the learned court below shall obtain an affidavit on behalf of the petitioner as regards the fact that he has been granted bail in all these cases stated in paragraph '3' of this application and further that in course of trial the petitioner shall appear on each and every date fixed in the matter and two consecutive defaults in putting appearance before the learned trial court would invite cancellation of bail and the learned court below shall proceed to cancel the bail bond of the petitioner.

The application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/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'.

