

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32637 of 2020**

Arising Out of PS. Case No.-233 Year-2020 Thana- GHORASAHAN District- East
Champaran

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Subash Kumar Son of chhathu Rai Resident of Village - Kadamwa lala Tola,
P.S. - Ghorasahan, District - East Champaran. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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

2 10-12-2020 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 Mr. Satyendra
Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Ghorasahan P.S. Case No. 233 of 2020 registered for
the offence punishable under Sections 399, 402, 414 of the Indian
Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution story on 19.06.2020 Officer-In-Charge
of Ghorasahan Police Station received a secret informant that 10-12
accused have gathered at the house of Madhusadan Kushwaha and
apprehended 11 accused persons along with 7 motorcycles and this
petitioner was sitting as a pillion rider from whose possession one
country-made pistol and cartridge was recovered, hence FIR has been
lodged.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on mere suspicion. Learned counsel submits that except the confessional statement of the petitioner there is no material against him. It is submitted that similarly situated co-accused Aman Kumar and Barun Kumar have already been granted bail by learned Co-ordinate Benches of this Court in Cri. Mis. No. 84836 of 2020 and 26945 of 2020 respectively and the petitioner having no criminal antecedent has remained in jail in connection with case for over one year.

Mr. Surendra Prasad, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is alleged that one 9mm pistol and one live cartridge had been recovered from the possession of the petitioner but the petitioner has otherwise no criminal antecedent and he has remained in jail for almost 6 months, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with 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/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned S.D.J.M. Sikarahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 233 of 2020, 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 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.

The application is allowed.

(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'.

