

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32602 of 2020**

Arising Out of PS. Case No.-23 Year-2020 Thana- BIHARIGANJ District- Madhepura

SUMAN KUMAR Son of Naresh Yadav Resident of Village - Rajganj, Ward
No.8, P.S.- Bihariganj, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

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

2 09-12-2020 Learned counsel for the petitioners 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. Shantanu
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Bihariganj P.S. Case No. 23 of 2020 registered for
the offences punishable under Sections 399, 402, 414 and 34 of the
Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution story, the informant along with police
force started checking of vehicle and when he got information about
assembling of 6-7 accused persons near by-pass they reached there
and caught all of them including this petitioner and from them some
arms and mobile phones were recovered.

Learned counsel for the petitioner submits that from the



F.I.R. and the seizure list no incriminating articles and fire-arms have been recovered from the possession of this petitioner and petitioner was made accused in this case on the basis of confessional statement of co-accused Prince Kumar.

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 this petitioner has been brought in this case on remand after his arrest in Bihariganj P.S. Case No. 20 of 2020 and further consideration of the submission on behalf of the petitioner that his name has transpired only in the confessional statement of the co-accused, he was not arrested on the spot, there is no recovery of any firearm from his possession and further that the co-accused from whose possession firearms have been recovered and were arrested on the spot have been granted privilege of bail by a learned Co-ordinate Bench of this Court and further that the petitioner is in jail in connection with this case since 21.02.2020 and there being 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 Judicial Magistrate, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 23 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'.

