

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85584 of 2019

Arising Out of PS. Case No.-279 Year-2019 Thana- MOTIPUR District- Muzaffarpur

=====

MUKESH RAM Son of Banti Ram Resident of Village - Chainpur, P.S.-
Sahebganj, District – Muzaffarpur. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-01-2020 Heard learned counsel for the petitioner and learned APP
for State.

The petitioner in this case is seeking regular bail in connection with Motipur P.S. Case No. 279 of 2019 registered for the offences punishable under Sections 399, 402/34 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner in this case has been made accused by showing false recovery of one loaded country made pistol and a live cartridge and his confession has been recorded by the Police. It is further submitted that after arrest in the present case he has been remanded in two other cases but till date there is no identification of the petitioner in the case being Motipur P.S. Case No. 139 of 2019.

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

Considering the facts and circumstances of the case



wherein it is the submission of learned counsel for the petitioner that as per prosecution story one loaded country made pistol with a live cartridge has been recovered from possession of this petitioner but it is the submission of learned counsel for the petitioner that the said recovery has been falsely shown and a confessional statement has been extracted from the petitioner but there is no recovery of any incriminating material from possession of the petitioner and only after his arrest in the present case he has been taken on remand in two other cases but till date there is no identification of the petitioner in the case being Motipur P.S. Case No. 139 of 2019 and further that the petitioner has remained in custody since 12.06.2019, investigation against him being complete and there being no submission that his release is likely to otherwise interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur in connection with Motipur P.S. Case No. 279 of 2019, subject to the condition as laid down under Section 437 (3) of the Cr.P.C. i.e.

(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.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

