

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.85457 of 2019**

Arising Out of PS. Case No.-374 Year-2019 Thana- BUXAR District- Buxar

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AMIT KUMAR SRIVASTAVA @ LANGA S/o Ranjan Kumar Srivastava
Resident of Village- Nai Bazar, Ward No.-4, P.S.- Buxar (Town), Distt- Buxar.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

3 28-05-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in this case is seeking regular bail in

connection with Buxar (Town) P.S. Case No. 374 of 2019

registered for the offences punishable under Sections 392, 386

of the Indian Penal Code.

Learned counsel for the petitioner submits that in the

present case the FIR is against unknown but when the petitioner

was apprehended in the Wagon R Car on 04.05.2019 near Itrahi

Railway Gumti along with the co-accused, he has been made

accused in the present case also.



It is submitted that in connection with the present case the petitioner has not been put on test identification parade and nothing incriminating has been recovered from possession of the petitioner. It is further submitted that the co-accused Rahul Kumar and some other co-accused have been granted privilege of regular bail by learned co-ordinate Benches of this Court which would be evident from Annexure '2' to the present application.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. The case diary is available on the record and this Court has, have a glance over the materials available in the case diary. In paragraph '72' of the case diary the Police has recorded criminal history of the co-accused Rahul Kumar who has been granted bail in Cr. Misc. No. 82505 of 2019. So far as this petitioner is concerned, he has disclosed three cases on his head including the case of theft in which he was arrested and then he has been made accused in the present case.

Learned counsel for the petitioner has informed that the petitioner has been granted bail in the case at serial no. 2.

Considering the facts and circumstances of the case wherein the submission of learned counsel for the petitioner is



that he is in custody since 12.05.2019, till date there is no identification of the petitioner and the co-accused have been granted bail by learned co-ordinate Benches of this Court, let the petitioner above named be released on bail on furnishing of bail bonds of of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge III, Buxar in Sessions Trial No. 173 of 2019 arising out of Buxar (Town) P.S. Case No. 374 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, oft he 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 during the lockdown period. The authorities
concerned shall take appropriate steps to ensure such
observance prior to and after release of the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

