

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17991 of 2021**

Arising Out of PS. Case No.-254 Year-2020 Thana- MANSI District- Khagaria

Prince Kumar @ Paro @ Paro Kumar, Son Of Sambhu Yadav Resident And
P.S. Banma Ithari District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

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

2 13-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Mansi P.S. Case No. 254/2020 registered for

the offences punishable under Section 399, 402, 353, 414, 34 of

the I.P.C. and Section 25(1-b)a/26/27/35 of the Arms Act.

As per the prosecution story, while the informant

received an information that veteran criminals Sumit Yadav

along with others are planning to commit loot and dacoity at

Diyara Area, Katyayani Asthan, he along with police party

reached there and saw that five criminals armed with deadly



weapons were talking, out of them one miscreant started firing upon the police party. It is further alleged that police party also fired in defence and surrounded them, thereafter the accused persons disclosed their name as Sumit Kumar, Amit Kumar, Niraj Kumar @ Chhotaka and the petitioner. On search of the petitioner, one live cartridge and one motorcycle has been recovered as also several arms and ammunitions etc. were recovered from the accused persons.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that from the possession of the petitioner only one live cartridge and one motorcycle have been recovered, however petitioner is in custody in connection with this case since 11.09.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein from the possession of the petitioner one live cartridge and one motorcycle have been recovered, according to him nothing has been recovered and the seizure list has not been prepared in accordance with Section 100 Cr.P.C., there is no independent witness to the same, petitioner has no criminal



antecedent and has remained in jail in connection with the present case since 11.09.2020, investigation against him is complete but the trial is not likely to be taken place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Mansi P.S. Case No. 254/2020, subject to the condition as laid down under Section 437 (3) 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 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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'.

