

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18589 of 2021**

Arising Out of PS. Case No.-378 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

Rohit Kumar @ Dhanu S/O Dadan Prasad R/O Village-Nai Bazar, P.S.-
BUXAR (T), District-Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nil Kamal,Advocate

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

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

2 30-07-2021 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 learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Buxar (Muffasil) P.S. Case No. 378 of 2020 registered for the offences punishable under Section 414 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the informant on receiving information that some criminals are standing near Railway Colony for committing offence reached there and on seeing the police party three persons started fleeing away but on chase they were apprehended including this petitioner. On search, one loaded country-made pistol was recovered

from the possession of Amit Kumar Shrivastava, and from other two apprehended accused mobile phones were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that from the possession of the petitioner nothing incriminating has been recovered. The petitioner is in custody since 07.12.2020.

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 the submission of learned counsel for the petitioner that on search of this petitioner a smart phone of VIVO company has been recovered, he is in custody in connection with this case since 07.12.2020 and in the three cases stated in paragraph '3' against the petitioner, he is on bail, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 378 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application is allowed.

(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'.