

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19588 of 2021**

Arising Out of PS. Case No.-284 Year-2020 Thana- CHHAURADANO District- East
Champaran

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SANJAY KUMAR S/O Jawahar Lal Prasad Resident of Village - Pipra Ward
no. 11, P.S. Darpa, District - East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. B. N. Pandey, APP

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

2 03-08-2021 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 Chhauradano P.S. Case No. 284 of 2020

registered for the offences punishable under Sections 399, 402

and 414 of the Indian Penal Code and Section 25(1-b)a, 26 and

35 of the Arms Act.

As per the prosecution story, the informant received

secret information that an party Orchestra was going on at the

rented house of one Suresh Yadav and some notorious

miscreants have gathered there with weapons and cartridges. The informant along with other police personnel raided the said house and apprehended eight miscreants including this petitioner. On search country made pistols along with cartridges have been recovered from the possession of co-accused persons. It has further been alleged that two motorcycles have also been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner and the petitioner has remained in jail in connection with this case since 22.10.2020 having no criminal antecedent. The co-accused Jamaluddin Ansari has been granted bail by this Court in Cr. Misc. No. 10566 of 2021 and another co-accused Asheshwar Ray has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 8929 of 2021.

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 it is the submission of learned counsel for the petitioner that the petitioner was apprehended by police along

with ten accused, on search no incriminating articles were found from his possession, the petitioner has got no criminal antecedent, he has remain in jail in connection with this case since 22.10.2020, investigation against him is complete, and the co-accused Jamaluddin Ansari has been granted bail by this Court in Cr. Misc. No. 10566 of 2021 and another co-accused Asheshwar Rai has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 8929 of 2021, 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 Sri Sanjay Kumar-VI, learned Judicial Magistrate 1st Class, Raxaul at Motihari, East Champaran in connection with Chhauradano P.S. Case No. 284 of 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.

This application stands disposed of accordingly.

(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'.