

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22642 of 2021**

Arising Out of PS. Case No.-515 Year-2020 Thana- KANKARBAG District- Patna

JIMMI KUMAR @ JIMMY KUMAR, Son of Dinesh Yadav Resident of
Chak Musallahpur, P.S.- Kadam Kuan, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Parul Prasad, Advocate

For the Opposite Party/s : Mr.Ram Bilas Ray Raman, APP

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

2 19-08-2021 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 Special Case No. 106/2020 arising out of
Kankarbagh P.S. Case No. 515 of 2020 registered for the
offences punishable under Section 399, 400, 401, 402,
412/120B of the Indian Penal Code, Section 25(1-b)a/26/35 of
the Arms Act and Section 20/22 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (in short the “N.D.P.S.
Act”). Petitioner is in custody since 22.07.2020.

Learned counsel for the petitioner submits that in the

First Information Report as well as the seizure list it would appear that save and except one mobile phone no other incriminating article has been recovered from the possession of this petitioner. It is submitted that the similarly situated co-accused Amitesh Kumar @ Amitesh Raushan has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 36299/2020.

Learned counsel further submits that in the two cases of the year 2014 against the petitioner, he is on bail. In paragraph '3' though specific statement has not been made but learned counsel informs this Court that he has instruction to say so.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case wherein from possession of the petitioner only one mobile phone is said to have been recovered and he is in custody in connection with this case since 22.07.2020, this Court directs release of the petitioner above-named in the present case 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 Additional District Judge – XVII, Patna in connection with

Special Case No. 106/2020 arising out of Kankarbagh P.S. Case No. 515/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the learned court below shall verify the criminal antecedent of the petitioner and that he is on bail in those cases, and at any stage, if it is found that the petitioner has made false statement before this Court as regards his criminal antecedents and being on bail, his bail bond shall be cancelled. 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.

And further condition that in the nature of the recovery shown from the house of the co-accused with whom this petitioner has been arrested, this Court deems it just and proper to direct that henceforth till conclusion of trial in this case the petitioner shall put his appearance before the S.H.O. of Kankarbagh Police Station at least once in two months and shall furnish his mobile number and address to the S.H.O. In case, he is required to reside at any other place in connection with his employment etc. outside the jurisdiction of the police station, he will furnish such information to the S.H.O. Failure to abide by this Condition shall be reported by S.H.O., Kankarbagh Police

Station to the learned Magistrate/Court before whom the case is pending and then the court below will take steps towards cancellation of bail bond of the petitioner.

This application stands disposed off accordingly.

Let a copy of this order be communicated to Senior Superintendent of Police, Patna for appropriate instructions to the S.H.O., Kankarbagh, Patna.

(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'.