

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12889 of 2020

Arising Out of PS. Case No.-324 Year-2019 Thana- BAIRIYA District- West Champaran

Umesh Kumar, Son of Sheo Bachan Prasad Resident of Village -
Tadhwanandpur, P.S.- Bairiya, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 26-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with
Bairiya P.S. Case No. 324 of 2019 registered under Sections
413, 414/34 of the Indian Penal Code and Section 25 (1-
b)a/26/35 Arms Act.

Briefly stated allegations made in the F.I.R are that
Rs. 4 lacs was recovered from the house of the petitioner who is
a driver of Bolero Pick up van bearing Registration No.
BR22GA/9524. It has been alleged that the petitioner had gone
with the vehicle along with khalasi, Shrawan Kumar. It has been
further alleged that one loaded country-made pistol, a live
cartridge, a mobile phone a damaged A.T.M machine, Rs.
3,49,500/-, some quantity of charas, contraband article and a



Honda Motorcycle were recovered from the house of the co-accused Ashok Sah. It is further alleged that a sum of Rs. 4,31,500/- was recovered by the police from a house taken on rent by another co-accused Mantu Sah.

It is submitted by the learned counsel appearing on behalf of the petitioner that co-accused Ashok Sah and Ramakant Prasad have already been granted bail vide order dated 14.06.2021 passed in Criminal Miscellaneous No. 2867 of 2021 and Criminal Miscellaneous No. 17354 of 2021 dated 08.07.2021, both arising out of the same P.S. Case No. 324 of 2019. It is further submitted by the learned counsel appearing on behalf of the petitioner that the instant petitioner has one criminal antecedent arising out of Bairiya P.S. Case No. 325 of 2019 for alleged offence under Sections 20/22/23/24/25/27A/29, N.D.P.S. in which he has already been granted bail vide order dated 11.11.2020 passed in Criminal Miscellaneous No. 28476 of 2020. Learned counsel for the petitioner further submits that the petitioner is in custody since 03.10.2019 in this case.

Considering the facts and circumstances of the case as well as period of custody, prayer for regular bail of the petitioner is allowed. Let the petitioner, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten



thousand rupees) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in Bairiya P.S. Case No. 324 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Purnendu Singh, J)

Niraj/-

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