

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5937 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- DUMRA District- Sitamarhi

Rakesh Kumar @ Shailesh @ Sailesh Kumar Gender- male aged about 25 years, Son of Kisandeo Yadav Resident of village Nayatola Ward No. 02 Police Station- Kodha and District-Katihar .

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar No.7 Advocate
For the State : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner seeks bail in Dumra P.S. Case No. 76 of 2020, instituted for the offence under Section 414/34 of the Indian Penal Code and Sections 8/20(b)(ii)(B) of the N.D.P. S Act.

4. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

5. During a routine vehicle checking, petitioner along with five others have been apprehended. There is alleged recovery of stolen motorcycle, 200 gm 'Charas' and two mobile phones from his possession.

6. The learned counsel for the petitioner submits that he



is, in fact, a daily wage earner and hit by Covid-19 pandemic imposed lock-down, he was on his way and has been implicated falsely in the instant case. He is victim of the circumstance while he was passing by the place where the vehicle checking was taking place. He has no criminal antecedents, as per statements made in the bail application and has now been in custody since 27.02.2020. The other co-accused persons, namely Pintu Pandey and Chotu Mishra have been allowed bail in Cr. Misc. No. 21876 of 2020. The petitioner also claims parity with the other co-accused persons. The recovery of alleged '*Charas*' is less than commercial quantity.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Special Judge Sitamarhi**, in connection with **Dumra P.S. Case No. 76 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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