

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37362 of 2020

Arising Out of PS. Case No.-233 Year-2020 Thana- GHORASAHAN District- East
Champaran

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MADHUSUDAN KUSHWAHA SON OF DHURUV NARAYAN SINGH
RESIDENT OF VILLAGE AND P.O. - JAMUNIYA, P.S. - JHAROKHAR,
DISTRICT - EAST CHAMAPRAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Sumit Kumar Jha, Adv.
For the Opposite Party/s :		Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2021 Heard Mr. Y.V. Giri, learned senior counsel assisted
by Mr. Sumit Kumar Jha, learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 399, 402, 414 of the Indian
Penal Code and Sections 25 (1-b)a/26/35 of the Arms Act.

The petitioner has allegedly been arrested while
making preparations for committing dacoity.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. He submits that there is recovery of one loaded pistol
from the possession of the petitioner. He submits that similarly



situated co-accused has been granted bail by coordinate Benches of this Court in Cr. Misc. No. 32402 of 2020 on 07.12.2020 and in Cr. Misc. No. 32637 of 2020 on 10.12.2020. He further submits that petitioner is languishing in judicial custody since 20.06.2020.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Ghorasahan P.S. Case No. 233 of 2020, subject to the conditions as laid down under Section 437(3) of the 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 he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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.

The application is allowed.

(Anjani Kumar Sharan, J)

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