

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51458 of 2021

Arising Out of PS. Case No.-240 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

SAROJ SINGH S/o SITARAM SINGH R/o MOHALLA-JAI PRAKASH
NAGAR, P.S-AURANGABAD TOWN, DISTRICT-AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-09-2021 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner and Mr. A. K. Pandit, learned Additional Public Prosecutor appearing for the State, through Video conferencing.

Petitioner seeks regular bail in connection with Mohania P.S. Case No. 240 of 2020 (N.D.P.S. Case No.24/2020), registered for the offences punishable under Sections 399, 402, 400, 414, 411, 216 (A) of the Indian Penal Code.

This is second attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by this Court vide order dated 26.03.2021 passed in Cr. Misc. No. 40401 of 2020, with liberty to renew his prayer for grant of regular bail after four months.

The police, upon information, proceeded towards the place of occurrence and found that a car along with motorcycle with 7-8 persons were standing and upon seeing the police party, they started fleeing away. However, amongst them, three persons, who were sitting in the car including the petitioner, were arrested and from their possession, looted country-made pistol, laptop, mobile phones and 1 kg *Ganja* were recovered.

Learned senior counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and from the seizure list, it would be evident that only a mobile phone was recovered from his possession. Learned counsel next submits that petitioner is in custody since 08.08.2020 and similarly situated accused persons have been granted bail by this Court in Cr. Misc. No. 13058 of 2021, Cr. Misc. No.39290 of 2020 and Cr. Misc. No.38433 of 2020 vide order dated 09.07.2021, 09.02.2021 and 26.03.2021 respectively.

Regard being had to the submission made by the parties and taking into consideration the materials on record and the fact that no fire arm has been recovered from the possession of the petitioner and the petitioner is in custody since 08.08.2020 and the trial is not likely to be concluded in near

future due to Covid-19 pandemic and this is second attempt for grant of regular bail on behalf of the petitioner and similarly situated accused persons have been granted bail by a Coordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 240 of 2020 (N.D.P.S. Case No.24/2020).

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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