

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38705 of 2020**

Arising Out of PS. Case No.-508 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

PRADUMAN KUMAR MAURYA S/o- Pream Chandra Singh Resident of
Village- Dadar, P.S.- Mohania, District- Kaimur (Bhabua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Sahay,Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad,APP

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

4 13-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Jagdhar Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bhabua P.S. Case No. 508 of 2020 registered for the offences under Sections 395 and 412 of the Indian Penal Code and Sections 25(1-b)a/26/35 of the Arms Act. He is in custody in connection with this case since 15.08.2020.

Learned counsel for the petitioner submits that in the FIR, 2 persons are named and 3 are unknown. The petitioner is not named in the FIR. His name has transpired in the information furnished by a spy and then in the confessional statement of the co-accused.

Learned counsel further submits that till date there is no test identification parade, there is no recovery of any cash from his



house though as per the allegation one katta and two live cartridges were recovered. The petitioner has already spent about 11 months, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to be taken up in near future.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. Learned APP submits that one katta and two live cartridges have been recovered from the house of the petitioner.

Considering the facts and circumstances of the case wherein the petitioner is not named in the FIR and the recovery is that of one katta and two live cartridges, he has spent 11 months in custody and the investigation is over but the trial is not likely to be taken up in near future and further that he has got no criminal antecedent and as informed that the co-accused have been granted bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 508 of 2020, subject to the conditions as laid down under Section 437(3) 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

