

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4558 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- BIHARIGANJ District- Madhepura

PRINCE KUMAR Son of Late Arun Sah Resident of Village - Shastri Chowk
Ward No. 8, P.S. Bihariganj, Dist. - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 . In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Bihariganj PS Case No. 23 of 2020 registered under Sections 399, 402, 414 of the IPC and Sections 25(1-b)a, 26, 35 of the Arms Act.

There is allegation that six – seven miscreants have assembled to plan a crime near a bamboo clump. On seeing the police, they, including the petitioner, have fled and have been apprehended thereafter.

Learned Counsel for the petitioner submits that from the petitioner's possession only one mobile phone has been recovered. There is no recovery of any arms or the alleged stolen motorcycle



from the petitioner's possession even as per the allegations made in the FIR. The petitioner has one criminal antecedent and his prayer for bail is pending consideration. Other co-accused namely Shravan Opaswan has been granted bail in Cr. Misc. No. 21515 of 2020. The petitioner is in custody since 22.1.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Abhimanyu Kumar, Judicial Magistrate, 1st Class, Udakishunganj, District Madhepura in Bihariganj PS Case No. 23 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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