

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5541 of 2021**

Arising Out of PS. Case No.-41 Year-2020 Thana- MUSAHARI District- Muzaffarpur

RAUSHAN KUMAR Son of Parmeshwar Yadav Resident of Village-Krishna
Toli, P.S.-Brahmpura, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Mr.Chaubey Jawahar, APP

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

2 15-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in connection with Musahri P.S. Case No.41 of 2020 registered for the offences punishable under Sections 120(B) and 414 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

As per the prosecution story, the informant in course of checking vehicle spotted two motorcycles without registration number and from possession of the petitioner one country made pistol and three cartridges were recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. Learned counsel submits that this petitioner has been apprehended by police and it is alleged that from his possession one country made pistol with three cartridges were recovered. It is submitted that the petitioner has got no criminal antecedent and he has remained in custody since 06.03.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that this petitioner has been apprehended by police and it is alleged that from his possession one country made pistol with three cartridges were recovered, the petitioner has got no criminal antecedent, he has remained in custody since 06.03.2020, investigation against him is complete and at this stage there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-cum-Sub-Judge-Xth, Muzaffarpur in connection with Musahri P.S. Case No.41 of 2020, subject to the condition 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 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 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.

(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'.

