

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8817 of 2021**

Arising Out of PS. Case No.-144 Year-2020 Thana- MAINATAND District- West Champaran

IRSHAD DEWAN S/o Nurain Dewan R/o village- Feta Fulwariya, P.S.- Bara,
District- Bara (Nepal)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

4 12-08-2021 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. Md Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mainatand P.S. Case No. 144 of 2020 registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant on getting secret information that some miscreants were planning to commit a crime reached at the given place and apprehended accused persons who disclosed their names as Pankaj Chaudhary, Sikandar Mahto, Aslam Dewan, Noor

Alam and Irshad Dewan (petitioner) thereafter on search one loaded country made katta and three live cartridges were recovered from the possession of this petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is in custody since 30.9.2020 having no criminal antecedent.

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

Having regard to the facts and circumstance of the case wherein it is the submission of learned counsel for the petitioner that one country made loaded katta and three live cartridges were allegedly recovered from the possession of this petitioner, the petitioner is in custody since 30.9.2020, investigation against him is complete but the trial is not likely to take place in near future and he has otherwise no criminal antecedent, 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 Judicial Magistrate, 1st Class, C.J.M., West Champaran, Bettiah in connection with Mainatand P.S. Case No. 144 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)

SONALI/-

U		T	
---	--	---	--

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'.