

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8929 of 2021

Arising Out of PS. Case No.-284 Year-2020 Thana- CHHAURADANO District- East
Champaran

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ASHESHWAR RAI SON OF MATUK RAY RESIDENT OF VILLAGE-
JOLGANWA, P.S.- KESARIYA, DISTRICT- EAST CHAMPARAN.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Matlub Rab, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-07-2021

In view of sudden resurgence 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 Chhauradano PS Case No. 284 of 2020 registered under Sections 399, 402, 414 of the IPC and Sections 25(1-b), a, 26, 35 of the Arms Act.

House of co-accused Suresh Yadav was raided leading to arrest of eight persons. Three have allegedly fled away. Fire arms have been recovered from three of the co-accused persons who were apprehended namely Monu Kushwaha, Subhash Kumar and Ajit Kumar Gupta.

It is submitted by learned Counsel for the petitioner that though there is no recovery of any incriminating material from the petitioner and he has no criminal antecedent, he has been taken in to custody and is in custody since 22.10.2020. Submission is that the



petitioner has falsely been implicated and he has no concern with the co-accused persons and at best he was a member of the unlawful assembly.

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 Judicial Magistrate, Raxaul, East Champaran in Chhauradano PS Case No. 284 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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