

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10793 of 2021**

Arising Out of PS. Case No.-237 Year-2020 Thana- MINAPUR District- Muzaffarpur

PRAMOD KUMAR S/O- VIRENDRA RAI R/O. VILL- SUGRI DIH, P.S.-
MAHINDWARA, DISTRICT- SITAMARHI Petitioner
Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner/s : Mr. Anish Kumar, advocate.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

2 14-06-2021 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 Minapur P.S. Case No. 237 of 2020 registered for the offences punishable under Sections 399, 386, 411, 120(b), 34 of the Indian Penal Code and Section 25(1-b)a, 26,35 of Arms Act and section 17,18, 19,20 of U.A.P Act.

Learned counsel for the petitioner submits that as per the prosecution story, on search one loaded country made pistol, one misfired cartridge, one mobile phone and one naxal purcha were recovered from the possession of the petitioner.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was one amongst the three accused who were arrested by



police. The petitioner is in custody since 01.07.2020 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 circumstances of the case wherein this Court has noticed from the First Information Report that a loaded country-made pistol has been recovered from possession of this petitioner and there is an allegation that he was one amongst the three accused who were arrested by police as they were involved in realizing levy at the instance of one Lal Babu Sahani @ Bhaskar and then the co-accused Sanjeev Kumar is said to have been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 40001 of 2020 vide order dated 24.5.2020 and this petitioner has remained in jail for about one year by now, prior to the present case he had no criminal antecedent, though he has been taken on remand in two other cases after arrest in the present case, considering the totality of the circumstances and the period already spent, the investigation being complete and there being no submission on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, 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 Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Minapur P.S. Case No. 237 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)

SUSHMA2/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'.

