

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39152 of 2021

Arising Out of PS. Case No.-97 Year-2015 Thana- DEWARIA District- Muzaffarpur

MUNNA KUMAR Son of Virendra Das Resident of Village - Sohansa, P.S.-
Dewariya, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2022 Heard the parties through video conferencing.

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

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Deoriya P.S. Case No. 97 of 2015 for the offence under Section
25(1-b)A, 26 and 35 of the Arms Act, Section 16, 17, 18, 20, 22,
23 of Unlawful Activities (Prevention) Act and Section 3/4/5 of
Explosive Substances Act.

The prosecution case, in brief, is that the Police
on secret information intercepted the petitioner and other co-
accused, namely, Brajendra Kumar, Ram Naresh Sahani along
with country made pistol as well as paper of levy, white colour
purcha and white colour poster.



Learned counsel appearing for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that nothing has been recovered from the possession of the petitioner. He further submits that similarly situated other co-accused, namely, Brajendra Kumar @ Brajendra Kumar Singh, Deepak Kumar and Ram Naresh Sahni, have already been released on bail vide order dated 26.04.2016 passed in Criminal Miscellaneous No. 17183 of 2016, 05.05.2016 passed in Criminal Miscellaneous No. 19188 of 2016 and 19.05.2016 passed in Criminal Miscellaneous No. 20827 of 2016, therefore, petitioner prays parity for release on bail.

Learned A.P.P., however, opposes the prayer for grant of bail to the petitioner. He further submits that petitioner has not given any reason for absconding for nearly 5-6 years, however, he has moved before Hon'ble Court just after one co-accused has been granted bail, as such the petitioner should not be released to bail.

Having considered the facts and circumstances of the case, let the Superintendent of Police, Muzaffarpur submit a report with respect to the antecedent of the petitioner and his association with any anti national group before the Court of



learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Deoriya P.S. Case No. 97 of 2015, if the report finds petitioner to have clean antecedent, this Court directs the learned Court below to release the petitioner on bail on furnishing bail bond of Rs. 25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Deoriya P.S. Case No. 97 of 2015 subject to the following conditions:-

(I) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(II) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bonds.

(III) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(IV) If the petitioner tampers with the evidence or the



witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Learned A.P.P. appearing on behalf of State is directed to communicate the copy of the order to the Superintendent of Police, Muzaffarpur and the S.P., Muzaffarpur is expected to submit the report within a period of three weeks to the learned Sessions Judge-cum-Special Judge, Muzaffarpur.

(Purnendu Singh, J)

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