

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56866 of 2021

Arising Out of PS. Case No.-172 Year-2019 Thana- MADHUBAN District- East Champaran

Awanish Singh @ Avanish Kumar Singh, S/O Chandrakhet Singh, R/O
Village-Delho, P.S-Madhuban, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-05-2022 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 Mr. Dinesh Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Madhuban P.S. Case No. 172 of 2019 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 25(1-b)a, 26(ii), 35 of the Arms Act. He is in custody since 06.08.2019 having five criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 05.08.2019, he got information that the petitioner alongwith his associates was planning for committing crime



near Madhuban, thereafter he along with other police personnel started checking of vehicles near Saraiya Bridge and in the said checking he apprehended the petitioner and his associates and recovered a country made loaded pistol with five live cartridges and one mobile phone from possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on mere suspicion, nothing has recovered from possession of the petitioner and he is in custody in connection with this case since 06.08.2019.

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

Having regard to the submission that from possession of the petitioner a country made pistol with five live cartridges and a mobile phone were recovered, in connection with this case he is in custody since 06.08.2019 (for about two years eight months approximately) but the trial has still not been concluded and it is not likely to be concluded in near future, this Court directs release of the petitioner above-named 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-VI,



East Champaran at Motihari in connection with Madhuban P.S.
Case No. 172 of 2019, subject to the condition as laid down
under Section 437 (3) Cr.P.C.

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.

And further condition that the petitioner has got about
five criminal antecedents as stated in paragraph '3', this Court
directs henceforth till conclusion of trial of the present case the
petitioner shall mark his attendance at least once in every two
months before the Station House Officer of Madhuban in the
District of East Champaran at Motihari and shall keep on
furnishing his complete whereabouts and mobile number to the
S.H.O. If he is required to go outside the jurisdiction of the
police station in connection with any employment etc. then also
he will furnish his address and other information to the S.H.O.
Non-compliance with this condition shall be reported by the
S.H.O. of Madhuban Police Station to the learned court below



and steps shall be taken for cancellation of the bail of the petitioner.

Let a copy of this order be communicated to the Superintendent of Police, East Champaran at Motihari for appropriate instruction to the concerned police station.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

