

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.64837 of 2021**

Arising Out of PS. Case No.-405 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Murari Kumar, S/o Hazari Sah, Resident of Village- Sikandarpur, P.S.-
Mufassil, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vinod Gautam, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Saket Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-05-2022 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within two weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner, Mr. Saket
Kumar, learned counsel for the informant and Mr. Sanjay Kumar
Tiwary, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Begusarai Muffasil P.S. Case No.405 of 2021
registered for the offences punishable under Sections 341, 307 and
120(B) of the Indian Penal Code and Section 25(1-b)A, 26, 35 of
the Arms Act. He is in custody since 09.08.2021. The petitioner
has got no criminal antecedent.

As per the prosecution story, when the informant along
with others was sitting in his shop, two persons came on a



motorcycle, parked the motorcycle and asked him to give the face wash and cream face on which the informant replied that face wash is not available in the shop. It is alleged that one of the miscreants took out a pistol from his waist and wanted to fire near his temporal region but the fire did not take place and in the meantime a hulla was raised whereupon both the miscreants fled away by passion pro motorcycle which was being driven by one of the miscreants namely Divyanshu Kumar but when they found that a police vehicle was coming from the front side they left the motorcycle and all the three miscreants fled away and in course of fleeing away they also threw their pistol. The informant claimed that his wife who is an Ex-Mukhiya was likely to be a candidate for Mukhiya in coming panchayat election, therefore, his opponent namely Sudhanshu Kumar, Sittu Ram, Kishore Roy, Kaushal Kishore Roy as also this petitioner had made available the motorcycle which was used in the occurrence and they had hatched the conspiracy.

Learned counsel submits that from the FIR itself it is clear that the informant fully identifies this petitioner but he does not say that this petitioner was present on the spot. The allegation is that the petitioner had provided his motorcycle and he was involved in conspiracy. It is further submitted that from the materials noted in the impugned order itself it may be found that



Sudhanshu Kumar is affiliated to one political party and this petitioner had been talking to him, therefore, that has been made basis to connect the petitioner with said Sudhanshu Kumar. So far as the motorcycle is concerned, the petitioner had provided the motorcycle to his friend but without being aware of the fact that the motorcycle is likely to be misused and the petitioner had no reason to understand any such conspiracy.

It is lastly submitted that in any case the petitioner has remained in custody for about nine months and at this stage the investigation is complete and his presence may be secured in course of trial, hence, he may be granted the privilege of bail.

Learned APP for informant as well as learned APP for the State have opposed the prayer for regular bail of the petitioner. Learned counsel for the informant does not dispute that the petitioner was not present on the spot at the time of occurrence.

Having regard to the submissions noted hereinabove and on noticing that the allegation against the petitioner is that of providing the motorcycle and in indulging in conspiracy with the co-accused, however it appears from the FIR that the petitioner was not present on the spot and was not actively participating in the occurrence, at this stage he has remained in custody for about nine months, investigation against him is complete and his presence may also be secured in course of trial, there being no



submission that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioner above named be released 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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil P.S. Case No.405 of 2021, 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.

(Rajeev Ranjan Prasad, J)

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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'.

