

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6471 of 2020

Arising Out of PS. Case No.-273 Year-2019 Thana- TARAIYA District- Saran

Sunil Singh @ Nepali Son of Dineshwar Singh Resident of Village - Aami,
P.S. - Dighwara, District - Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dewendra Narayan Singh, Advocate.
For the Opposite Party : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner as well as learned APP for the State.

The petitioner seeks bail in Taraiya P.S. case No. 273 of 2019 instituted for the offence under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The informant is a jeweller. The prosecution case is that when he alighted from a bus and proceeded for his jewellery



shop then his bag containing jewellery worth about Rs. 50,000/- was snatched by some miscreants. When he raised alarm, one of the miscreants made firing from the country made pistol. When the local people assembled, one of the miscreants, namely Ravi Kumar (co-accused) was apprehended by the locals and handed over to the police along with two country made pistol, two mobile phones and cartridge. The apprehended persons, namely, Ravi Kumar, has allegedly disclosed the petitioner's name leading to his implication.

Petitioner's counsel submits that while the petitioner was in custody in connection with another case, he has been remanded in the instant case only on the basis of statement of co-accused. The petitioner was not arrested at the spot, nor is there any recovery from the petitioner's possession. Under such circumstances, he is in custody since 24.10.2019 and still he has not been put on test identification parade. The co-accused, namely, Ravi Kumar, who had disclosed the petitioner's name, has also been enlarged on bail in Cr. Misc. no. 6850 of 2020. The petitioner is on bail in the other two cases pending against him, namely, Kopa P.S. case no. 138 of 2019 and Garkha P.S. case no. 201 of 2019.

The learned counsel for the State opposed the prayer



for bail by submitting that petitioner has criminal antecedents and his name has been stated by the co-accused who was arrested from the place of occurrence.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate-I, Saran at Chapra**, in connection with **Taraiya P.S. Case no. 273 of 2019** , 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.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended



and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned **Additional Chief Judicial Magistrate-I, Saran at Chapra**, and the competent authority of the State in terms of clause (4)i of Notice II published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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