

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7738 of 2020

Arising Out of PS. Case No.-532 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

Avinash Kumar @ Sutba @ Butto, Son of Baidnath Yadav, Resident of
Village - Shahganj Benta, P.S.- Laheriyasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Gagan Deo Yadav, learned counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of regular bail, languishing in custody since 11.12.2019, in connection with a case registered for the offences punishable under Sections 25(1-B)a/26/35 of the Arms Act.

The prosecution case, as per the self statement of S.I., Amit Kumar, Station House Officer, Benta O.P., is to the effect that on 10.12.2019 during evening patrolling a secret information was received that Bhuto (petitioner) accused in Laheriasari P.S. Case No. 508 of 2019 is roaming along with



one another person near Benta Chowk for committing offence, upon which the informant reached at the spot and the petitioner was apprehended and one person managed to escape from the scene and from the possession of the petitioner, one country made pistol, one live cartridge and a mobile phone were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been framed by the police in the present case. The petitioner is languishing in custody since about six months and investigation has already been concluded. The petitioner is accused in another case registered under Bihar Prohibition and Excise Act, 2016.

Learned APP, however, submits that the recovery has been made from the possession of the petitioner.

Considering the nature of recovery and investigation being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 532 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the



surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 532 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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