

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6527 of 2020**

Arising Out of PS. Case No.-1355 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

KUNDAN KUMAR Son of Ganesh Sah Resident of Village- Muradpur
Dullah, Zero Mile, P.S.- Ahiyapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arvind Kumar, Advocate

For the Opposite Party/s : Dr Mrityunjaya Kr Gautam, 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 lock down on account of the COVID 19 Pandemic.

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

Heard Mr Arvind Kumar, learned counsel for the petitioner as well as Dr Mrityunjaya Kumar Gautam, learned APP for the State.

Petitioner seeks bail in Ahiyapur Police Station (for brevity, PS) Case No 1355 of 2019 dated 13.11.2019, GR No 6163 of 2019 instituted for the offence punishable under



Sections 399, 402 of Indian Penal Code and Sections 25 (1-B) A, 26, 35 of Arms Act.

Information has been lodged by the Station House Officer, Ahiyapur PS stating that he received information regarding an unlawful assembly of certain persons. On reaching the place, seven persons including the petitioner were found and they started fleeing away. It is alleged that one country made pistol and one cartridge has been recovered from the petitioner. Petitioner's counsel submits that for the said alleged recovery, petitioner is in custody since 13.11.2019. He submits that owing to his three criminal antecedents, he has falsely been implicated in this case. Recovery is not in accordance with law. In the earlier three cases, namely, Karja PS Case No 9 of 2019, Ahiyapur PS Case No 29 of 2019 and Ahiyapur PS Case No 35 of 2019, the petitioner is on bail.

The learned APP for the State has opposed the prayer for bail.

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

Accordingly, let the petitioner, abovenamed, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Chief Judicial Magistrate, Muzaffarpur in Ahiyapur PS Case No 1355 of 2019 dated 13.11.2019, GR No 6163 of 2019 subject to the following conditions -

(1) 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 bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) 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 lock down 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 bonds 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 four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner will be liable for the consequences thereof in accordance with



law.

Let this order be communicated, without any delay, to the Court of Chief Judicial Magistrate, Muzaffarpur 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 this Court.

(Madhuresh Prasad, J)

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