

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6659 of 2020

Arising Out of PS. Case No.-154 Year-2019 Thana- JALE District- Darbhanga

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Randhir Lal Das, S/o Bechan Das, R/o Village- Rampur, P.S.- Pupri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Aprajita, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-05-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of 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 and the learned APP for the State.

The petitioner seeks bail in connection with Jalley P.S. Case No.154 of 2019 instituted for the offence punishable under Sections 25(1-b)a/26 of the Arms Act for alleged recovery of arms and ammunition, when he was apprehended by the S.H.O. in connection with Jalley P.S. Case No.127/2019 dated



27.09.2019 for the offence under Sections 341, 342, 323, 307, 386, 504, 506/34 of the I.P.C. It is alleged that the petitioner was found possessing one country-made pistol, one bullet and one mobile phone.

Counsel for the petitioner submits that the petitioner is already on bail in Jalley P.S. Case No.127 of 2019. It is further submitted that there was an earlier case pending against the petitioner arising out of Pupri P.S. Case No.04/2019, in which he is also on bail. Recovery of the alleged arms and ammunition is denied. It is submitted that there is no compliance with the procedures prescribed under Section 100 Cr.P.C. It is further submitted that the case is one of false implication and the arms and ammunition, which have been recovered, have not been examined by the competent authority to ascertain that the seized articles were effective. The petitioner is in custody since 27.09.2019.

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, 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 learned A.C.J.M.-I, District-Darbhanga, in connection with Jalley P.S. Case No.154 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 requirement 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 shall be liable for the consequences thereof in accordance with



law.

Let this order be communicated, without any delay, to the court of learned A.C.J.M.-I, District-Darbhanga and the competent authority of the State in terms of clause (3) 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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