

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9065 of 2020

Arising Out of PS. Case No.-113 Year-2019 Thana- BIHPUR District- Bhagalpur

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AJAY PASWAN Son of Bhola Paswan Resident of Village - Hario, P.S.-
Bihpur, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in jail since
31.03.2019 in a case registered for the offences
punishable under Sections 25(1-B)a and 26 of the Arms
Act.

It appears that vide order dated 03.03.2020, a
report with regard to the stage of the trial was called for
from learned Court below but in view of the fact that
physical Court proceeding is not functional due to the



present pandemic COVID-19, the matter is being heard on merits.

The prosecution case as per the statement of Ranjeet Kumar, S.H.O, recorded on 31.03.2019 at 10:35 A.M. is to the effect that on the same day at 08:05 A.M., the informant received a confidential information that the petitioner, a notorious criminal wanted in many criminal cases is present in his house. Consequently, his house was raided and the petitioner was apprehended and from the petitioner's possession, one loaded country made pistol and one live cartridge were recovered whereas from beneath bed, one rifle of 3.5 bore was also recovered.

Learned counsel for the petitioner submits that the recovery of the rifle has been made from the joint family house and petitioner has falsely been framed in the matter. The petitioner is languishing in custody since 31-3-2019 and investigation has already been concluded.



Though the petitioner is accused in four other cases, but he is on bail in all those cases. A statement to that effect has been made in para-3 of the petition.

Learnt APP submits that recovery of arms have been made from the possession of the petitioner and petitioner has series of criminal antecedent.

Considering the fact that investigation has already been concluded and there is no likelihood of the trial being concluded in near future as Court is not functional in physical mode due to the present pandemic COVID-19, and period under custody, 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 learned Additional Chief Judicial Magistrate, III, Naugachia, Bhagalpur in connection with Bihpur P.S. Case No. 113 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 on 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, III, Naugachia, Bhagalpur in connection with Bihpur P.S. Case No. 113 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Considering the criminal antecedents of the petitioner, learned Court below will be at liberty to cancel the bail bonds of the petitioner if the petitioner gets



involved in similar nature of offence of defaults for two consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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