

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12646 of 2020

Arising Out of PS. Case No.-679 Year-2019 Thana- SAHARSA District- Saharsa

Deepak Kumar, Son of Shri Mahendra Sharma, Resident of Village - Jhapra
Tola, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Awadhesh Kumar, learned counsel for the petitioner and Mr. Murli Dhar, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 399, 401, 414 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act, 1959.

The prosecution case, as per the self statement of Rajmani, Inspector -cum- SHO, Sadar P.S. Saharsa recorded on 27.07.2019 at 9.15 P.M., is to the effect that on the same day at 7.30 P.M., a secret information was received by the informant that some miscreants have gathered near the railway track and



are preparing to commit dacoity, consequently, a raid was laid and altogether seven persons including the petitioner were apprehended. From the possession of the petitioner, one country made pistol and four live cartridges were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been framed in the present case. The petitioner is languishing in custody since 28.07.2019 and the investigation has already been concluded. Though, the petitioner is accused in one another case in which he is on bail. It is further submitted that there is nothing on record to suggest that the petitioner was preparing to commit dacoity.

Learned APP for the State submits that from the possession of the petitioner, country made pistol and four live cartridges were recovered which suggests that the petitioner was preparing to commit dacoity.

Considering the fact that the petitioner is not accused in the case of the similar nature and the fact that the investigation has already been 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, Saharsa in connection with Saharsa Sadar P.S. Case No. 679 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, Saharsa in connection with Saharsa Sadar P.S. Case No. 679 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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