

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 16099 of 2020**

Arising Out of PS. Case No.-194 Year-2018 Thana- ITARHI District- Buxar

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JAI SHANKAR SINGH Son of Late Mahendra Singh Resident of Village-
Orap, Police Station-Itarhi, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Amit Kumar Pandey, Advocate

For the Opposite Party/s : Mr Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **01-09-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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 learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Itarhi Police Station (for brevity, *PS*) Case No 194 of 2018 instituted for the offence punishable under Section (s) 25 (1-b)a/26/35 of Arms Act.

The petitioner is alleged to have been found in possession



of one single barrel rifle of .315 bore, one countrymade pistol of 12 bore and two more firearms. Cartridges were also allegedly recovered.

Considering the allegations, and the fact that the petitioner was accused in one more case, this Court, on 10.12.2018, had rejected his prayer for bail in Cr Misc No 71551 of 2018. Petitioner again moved for bail in Cr Misc No 33963 of 2019, which was also rejected on 24.07.2019 with a direction to the trial Court to conclude the trial expeditiously and preferably within six months.

When the instant case was taken up, report was called for from the Court below. The report is dated 30.06.2020 and states that one witness remains to be examined. Today, when the matter is taken up, petitioner's counsel, upon instructions, submits that even till date, the witness is yet to be examined, let alone the trial be concluded.

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

Considering the rival submissions and also taking into consideration the observations made in the order dated 24.07.2019 passed in Cr Misc No 33963 of 2019, prayer for bail is allowed. Let the petitioner, above named, 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 Buxar in connection with Itarhi PS Case No 194 of 2018 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.

(Madhuresh Prasad, J)

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