

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20522 of 2020

Arising Out of PS. Case No.-350 Year-2019 Thana- MAHNAR District- Vaishali

Rajesh Kumar Sharma S/o Nares Sharma @ Dinesh Sharma Resident of
Village- Gorigama, P.S.- Mahnar, Distt- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner is apprehending his arrest in a case
initially registered for the offence punishable under Sections



356, 379 of the Indian Penal Code and Sections 25(1-B)/35 of the Arms Act. Subsequently, Section 392 of the IPC was also added.

The prosecution case, as per the written report of Pramod Kumar submitted to the Station House Officer, Mahnar Police Station, is to the effect that on 11.10.2019 at 6.00 P.M., the informant along with the petitioner and one Manish Kumar went to the flour mill of Nanki Rai but on the way to home, the petitioner and co-accused Basant Sahni snatched mobile phone of the informant and Manish Kumar and put pistol on the temporal region of the informant. It is alleged that the petitioner and co-accused Basant Sahni were caught on the spot.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended on the spot and there is no recovery from the possession of the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the petitioner is named in the FIR with specific accusation and co-accused has been charge sheeted under Section 392 of the Indian Penal Code and



Sections 25(1-B)a/35 of the Arms Act, let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned Court below within a period of eight weeks from today in connection with Mahnar P.S. Case No. 350 of 2019, pending in the Court of learned Chief Judicial Magistrate, Vaishali at Hajipur.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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