

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20025 of 2020

Arising out of PS. Case No.-212 Year-2019 Thana- NAYA RAM NAGAR District- Munger

Pintu Kumar Sah, Son of Late Ramesh Prasad Sah @ Ramesh Prasad
Resident of Mohalla - Maksuspur Choti Masjid, P.S.- Kasim Bazar, District –
Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 17-09-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode 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 court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
14.08.2019 in a case registered for the offences punishable



under Sections 25(1-A)/25(1-AA)/25(1-B)a/26/35 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self statement of Brajesh Kumar Singh, S.I.-cum-S.H.O., Naya Ram Nagar P.S. recorded on 13.08.2019 at 2.00 P.M. is to the effect that on 13.05.2019 at 8.30 A.M., a confidential information was received that near Kali Pahari, illegal arms were being manufactured, consequently a raid was laid, when some partially manufactured firearms and equipment used for manufacturing firearms were recovered and seven co-accused persons including the petitioner were apprehended from that place.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical possession of the petitioner and investigation has already been concluded. A statement has been made in paragraph no. 2 of the supplementary affidavit to the effect that the petitioner is not having any criminal antecedent. Moreover, similar situated co-accused Prabhu Yadav has been granted bail vide order dated 28.01.2020 passed in Cr. Misc. No. 86993 of 2019 by a Co-ordinate bench of this Court.



Learned APP for the State submits that the petitioner was apprehended from the place where the arms were being manufactured.

Considering the fact that investigation has already been concluded and similarly situated co-accused has been granted bail by a Co-ordinate bench of this Court, coupled with the statement made in paragraph no 2 of the supplementary affidavit that the petitioner is not having any criminal antecedent, 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 Additional Chief Judicial Magistrate-I, Munger in connection with Naya Ram Nagar P.S. Case No. 212 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 Additional Chief Judicial Magistrate-I, Munger in connection with Naya Ram Nagar P.S. Case No. 212 of 2019.

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

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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