

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20013 of 2020

Arising Out of PS. Case No.-75 Year-2019 Thana- PANDARAK District- Patna

MD. CHHOTU Son of Yusuf Resident of Village - Dujra Ward No24, P.S.-
Buddha Colony, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-06-2020 The matter has been taken up through virtual

Court proceeding.

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects, the
office shall place the matter before the bench.

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



The petitioner is languishing in jail since 16.07.2019 in a case registered for the offence punishable under Sections 341, 323, 504, 506, 120(B) of the Indian Penal Code and Section 25(1-B) a, 26, 35 of the Arms Act.

The prosecution case as per the written report of Uma Shankar Prasad Yadav, submitted to the S.H.O, Pandarak Police Station is to the effect that on 14.07.2019 at 10:00 P.M. during petrolling, a confidential information was received that 3-4 accused persons variously armed are roaming around to commit murder of someone. Consequently, raid was laid and co-accused Golu Kumar and Md. Chhotu, the petitioner and Chhotu Kumar @ Rajveer Kumar were apprehended. From the accused persons, arms and ammunitions were recovered. From the possession of the petitioner, one country made loaded pistol and four live cartridges were recovered.

It is submitted by learned counsel for the



petitioner that investigation has already been concluded.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent and co-accused Purushottam Kumar @ Chandan Singh vide order dated 15.10.2019 passed in Cr. Misc. No. 59303 of 2019, co-accused Ranvir Kumar vide order dated 04.12.2019 passed in Cr. Misc. No. 57988 of 2019 and co-accused Karnvir Singh vide order dated 11.12.2019 passed in Cr. Misc. No. 71512 of 2019 have been granted bail by Co-ordinate benches of this Court.

Learned A.P.P. submits that one country made pistol and live cartridges were recovered from the possession of the petitioner.

Considering the fact that investigation has already been concluded and co-accused person has been granted bail, 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 Special Judge, M.L.A. & M.P.-



cum-A.C.J.M-I, Patna in connection with Pandarak P.S.
Case No. 75 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 Special Judge, M.L.A. & M.P.-cum-A.C.J.M-I, Patna in connection with Pandarak P.S. Case No. 75 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.

(Dinesh Kumar Singh, J)

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