

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20651 of 2020

Arising Out of PS. Case No.-9 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

Shivam Kumar Sharma S/o Satyadeo Sharma Resident of Village - Near
Bidupur High School, P.S. - Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhu Prasun

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-08-2020 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
06.01.2019 in a case registered for the offences punishable
under Sections 25(1-B)a/26(ii)/35 of the Arms Act, hence, the



prayer for bail has been made through the present application.

The prosecution case, as per the written report of Sunil Kumar Sharma, Inspector of Police -cum- Station House Officer, Ramkrishna Nagar Police Station submitted to learned ACJM -cum- Sub-Judge-XIII, Patna Sadar, is to the effect that during patrolling on 05.01.2019 at early hours, he received a confidential information that in Ghana Colony in the house of Hawaldar Ramsawarath Rai on 4th floor, some criminals are residing as tenants and they are planning to commit some serious offence, consequently, raid was laid when on seeing the police party, some persons tried to escape from the scene but they were nabbed on chase, who disclosed their name as co-accused Karan Kumar Sinha and the petitioner, Shivam Kumar Sharma. From the possession of the petitioner, one pistol with magazine, having five live cartridges and from the possession of co-accused Karan Kumar Sinha, one country made pistol with one live cartridge were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been framed in the present case and investigation has already been concluded. The petitioner is actually accused in seven other cases but his name transpired during investigation in three other cases also but in those three



cases, he has not been remanded till date and in seven cases he is on bail. There is no likelihood of trial being concluded since in the present extraordinary circumstances due to pandemic, COVID-19 the court proceedings are not being conducted regularly in physical mode.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner and he has criminal antecedent, however, he does not controvert this fact that the investigation has already been concluded.

Considering the nature of recovery 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 six months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Patna in connection with Ramkrishna Nagar P.S. Case No. 09 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 six 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-VIII, Patna in connection with Ramkrishna Nagar P.S. Case No. 09 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.

The provisional bail of the petitioner will not be confirmed by the learned Court below if the police makes report to the effect that the petitioner has involved in such serious nature of offence.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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