

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20332 of 2020

Arising Out of PS. Case No.-618 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

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PARMANAND PODDAR @ BOUA PODDAR Son of Late Chandra Deo Poddar Resident of Village- Bishanpur, P.S.- Begusarai Town, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2020 The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defect/s within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defect/s within the undertaken period, the office will place the matter before the bench.

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



The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Section 25(1-B)a, 26, 31, 35 of the Arms Act, 1959.

The prosecution case, as per the self statement of Pramod Kumar, recorded on 15.10.2019 is to the effect that on the same day at 4.15, the S.P., Begusarai informed the informant with regard to trafficking of illegal arms from the house of the petitioner, Baua Poddar. Consequently, the house of the petitioner was raided and three accused persons, including the petitioner, were apprehended. The petitioner was found to be a disabled person. From the possession of the petitioner, Baua Poddar, four country made pistol and 300 live cartridges were recovered, whereas from the possessions of co-accused Mohit Kumar, two country made pistol and 40 live cartridges were recovered and from the possession of co-accused, Md. Mahfizul Islam, two country made pistol and 50 live cartridges were recovered.

It is submitted by learned counsel for the petitioner that the petitioner is a disabled person and the medical certificate to that effect has been brought on record, as Annexure-3 series and the recovery has not been made from the possession of the petitioner. Moreover, similarly situated co-accused, Mohit



Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 09.06.2020 passed in Criminal Miscellaneous No.18974 of 2020 whereas Md. Mahlizul Islam has been granted bail by this Court vide order dated 01.07.2020 passed in Criminal Miscellaneous No.20284 of 2020. The petitioner is languishing in custody since 15.10.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in six other cases, apart from the present case, but all the cases have been lodged prior to 2010.

Learned APP for the State submits that the recovery of arms have been made from the house of the petitioner.

Considering the fact that the petitioner is a disabled person, which is mentioned in the FIR , the investigation already being concluded, 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 CJM, Begusarai, in connection with Begusarai Town P.S. Case No. 618 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.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 CJM, Begusarai, in connection with Begusarai Town P.S. Case No. 618 of 2019.

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

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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