

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20134 of 2020

Arising Out of PS. Case No.-454 Year-2019 Thana- TAJPUR District- Samastipur

Om Prakash Jha Son of Sujendra Jha @ Suchindra Jha @ Fuchan Jha
Resident of Mohalla- Asha Dadari, P.S.- N.H. Bangra, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-functional 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 the office will place the matter before the bench.

The petitioner is languishing in custody since 12.12.2019 in a case registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-B)a/26 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 S.I., Vishwajit Kumar submitted to Station House Officer, Tajpur P.S. recorded on 11.12.2019 at 11.00 A.M., is to the effect that on the same day, a confidential information was received that some miscreants are preparing to commit dacoity, consequently, a raid was laid and from the possession of the petitioner, one country made pistol, four live cartridges, mobile phone and motorcycle were recovered.

It is submitted by learned counsel for the petitioner that on the basis of suspicion, the petitioner has been apprehended and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery of arms has been made from the possession of the petitioner.

Considering the fact that investigation has already been concluded, period under custody and statement being made in paragraph no.3 of the petition 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 A.C.J.M. Ist, Samastipur in connection with Tajpur P.S.



Case No. 454 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 A.C.J.M. Ist, Samastipur in connection with Tajpur P.S. Case No. 454 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 is disposed of.

(Dinesh Kumar Singh, J)

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