

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20547 of 2020

Arising Out of PS. Case No.-387 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

SANJAY KUMAR YADAV, Son of Shiv Narayan Ray, Resident of Village-
Sahwajpur, P.S.-Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2020 The matter has been taken up through virtual Court proceeding since the physical Court proceeding is not functional due to extraordinary circumstances created by present pandemic, Covid-19.

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 Sections 399, 402, 414 of the Indian Penal Code, 1860 and Sections 25(1-B)a, 26, 35 of the Arms Act, 1959.

The prosecution case as per the self statement of Mani Bhushan Kumar, S.I.-cum-S.H.O., Bochahan Police Station is to the effect that on 23.11.2019, a confidential information was received that some miscreants are planning to commit crime, consequently, a raid was laid when on seeing the police, all the



accused persons started fleeing away, but on chase being made, four accused persons were apprehended who disclosed their names as, Dharmendra Rai, Vijay Kumar, Kamlesh Kumar and the petitioner Sanjay Kumar Yadav. During the course of frisking, one country made loaded pistol and a live cartridge from the possession of the petitioner were recovered whereas from the possession of co-accused, Dharmendra Rai, one loaded country made pistol was recovered.

It is submitted by learned counsel for the petitioner that the investigation has already been concluded and the petitioner is languishing in custody since 25.11.2019. 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 has been made from the possession of the petitioner.

Considering the period under custody, the investigation already being concluded coupled with statement 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 14th ACJM, Muzaffarpur, in connection with Bochahan P.S. Case No. 387 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 14th ACJM, Muzaffarpur, in connection with Bochahan P.S. Case No. 387 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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