

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20284 of 2020

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

MD. MAHFIZUL ISLAM @ MD. MAHFUZ ISLAM Son of Md. Monazir
Islam Resident of Village - Lalpur, Ward No. 6, P.S.- Matihani, Distt -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Dashrath Mehta

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
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within undertaken
period, the office will again place the matter on board.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since



16.10.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 25(1-B)a, 26, 31 and 35 of the Arms Act.

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 co-accused Baua Poddar. Consequently, raid was laid in his house and three accused persons including the petitioner were apprehended. From the possession of co-accused 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 the petitioner, two country made pistol and 50 live cartridges were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case since he was simply in the house of co-accused Baua Poddar. The 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 submits that recovery has been made



from the possession of the petitioner and he was apprehended from the spot and two country made pistol and 50 live cartridges were recovered from his possession.

Considering the fact that investigation has already been concluded, period under custody and the statement made in paragraph no.3 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 Chief Judicial Magistrate, Begusarai in connection with 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 learned Chief



Judicial Magistrate, Begusarai in connection with 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 is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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