

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20543 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- PARSA District- Saran

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SANTOSH RAY, S/o Jagdish Ray, R/o village- Bandh Bankerwa, P.S.- Parsa,
Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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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 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 defects, within a period of three weeks of resumption of the court proceeding in physical mode.

In case, non-removal of defects, within stipulated period, the office will place the matter again 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 Sections 25(1-B)a, 26, 35 of the Arms Act, 1959.

The prosecution case as per the written report Md. Jakariya, S.I.-cum-S.H.O., Parsa Police Station submitted before the CJM, Saran at Chapara is to the effect that on 04.01.2020, during evening patrolling, on seeing the police, two persons started running in suspicious condition, but on chase being made, one persons was apprehended who disclosed his name as Santosh Ray, the petitioner and from the possession of the petitioner, one country made pistol and cartridge were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has been framed in the present case. The petitioner is languishing in custody since 06.01.2020 and 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 for the State submits that the recovery of arms has been made from the possession of the petitioner.

Considering the fact that the investigation has already



been concluded and the period under custody 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 ACJM-II, Saran at Chapra, in connection with Parsa P.S. Case No. 03 of 2020.

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 ACJM-II, Saran at Chapra, in connection with Parsa P.S. Case No. 03 of 2020.

The learned Court below will further 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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