

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20046 of 2020

Arising Out of PS. Case No.-103 Year-2019 Thana- PANJWARA District- Banka

CHHOTU KUMAR, S/o Pawan Kumar Singh, Resident of Village- Janidih,
P.S.- Ghogha, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2020 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 Sections 399, 402 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 S.I., Murlidhar Sah recorded on 19.09.2019 at 4.30 P.M. is to the effect that on the same day at 1.00 P.M., a secret information was received that 7-8 miscreants are preparing to commit dacoity. Consequently, a raid was laid and on seeing the police party, all the accused persons borne on three motorcycles started fleeing away from the scene, but on chase being made, they were apprehended. During frisking, from the possession of the petitioner, one loaded country made pistol with one cartridge and a mobile phone were recovered.

It is submitted by learned counsel for the petitioner that maliciously the petitioner has been framed in the present case. The petitioner is languishing in custody since 20.09.2019 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, but he has been granted bail in those cases.

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



and he is having serious criminal antecedent.

Considering the fact that the investigation has already been 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 ACJM-I, Banka, in connection with Panjwara P.S. Case No. 103 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 ACJM-I, Banka, in connection with Panjwara P.S. Case No. 103 of 2019.

However, keeping in view the serious criminal antecedent of the petitioner, the learned Court below is at liberty



to cancel the bail bonds of the petitioner, if he substantially gets involved in similar nature of offence or if he fails to appear before the learned Court below on three consecutive occasions.

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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