

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20607 of 2020

Arising Out of PS. Case No.-430 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

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KALYAN JHA S/O- Anil Kumar Jha Resident of Village - Shahi Meenapur,
P.S. - Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2020 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 15.10.2020, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case, as per the written report of Devendra Prasad Singh, Inspector of Police, Runnisaipur Police Station, submitted to the learned CJM, Sitamarhi is to the effect that on 14.10.2019 at 8 P.M., during night patrolling, the informant received an information that miscreants have robbed a motorcycle and a mobile phone from a person. Consequently, raid was laid and from the possession of co-accused Mukul Kumar Mishra, one loaded pistol was recovered, whereas from the possession of the petitioner, one live cartridge was recovered.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. The petitioner is languishing in custody since 15.10.2019. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case.

Learned APP submits that one live cartridge was



recovered from the possession of the petitioner.

Considering the nature of recovery, period under custody and the investigation already being 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 CJM, Sitamarhi in connection with Runnisaidpur P.S. Case No. 430 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 CJM, Sitamarhi in connection with Runnisaidpur P.S. Case No. 430 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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