

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20314 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- MUZAFFARPUR RAIL P.S. District- Saran

KUDAN KUMAR Son of Tulsi Paswan Resident of Village - Parmanandpur
@ Prmanandpur, P.S.- Sadar, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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 proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken time, the office shall place the matter before

the bench.



Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 21.01.2020 in a case registered for the offences punishable under Sections 401, 414 of the Indian Penal Code, 1860 and Sections 25(1-B) a, 26, 35 of the Arms Act and Sections 137, 147 of the Indian Railways Act, 1989.

The prosecution case as per the self statement of S.I. Nand Kishore Singh recorded on 20.01.2020 at 6:30 A.M. is to the effect that on 19.01.2020 at 8:45 P.M., as per the directives of A.D.G, Railway, on 20.01.2020 at 3:00 P.M., the informant along with other police personnel were on patrolling duty on the railway platform when he received an information that near old parcel office, three motorcycle borne persons are planning to rob the passengers coming out of the railway station whereupon, the informant went there and found the three persons standing there. On seeing the police



party, they tried to flee away but on chase being made, they were arrested, who disclosed their names as Ajay Kumar, Viru Sah and Kundan Kumar, the petitioner. On frisking, from the possession of co-accused Ajay Kumar, one loaded pistol and mobile phone were recovered, though he claimed that the alleged pistol has been given to him by the petitioner and from the possession of co-accused Biru Kumar and the petitioner, mobile phone were recovered. The petitioner confessed about the motorcycle to be a stolen one.

It is submitted by learned counsel for the petitioner that recovery of arms have not been made from the possession of the petitioner. The petitioner is not having any criminal antecedent, statement to that effect has been made in para 3 of the petition and the investigation has already been concluded.

Learned A.P.P. submits that petitioner was apprehended from the spot along with the co-accused from whose possession a loaded pistol was recovered.



Considering the fact that recovery of the fire arm has not been made from the possession of the petitioner and 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 learned Judicial Magistrate (Railway), Sonpur, Saran in connection with Muzaffarpur Rail P.S. Case No. 09 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. 10,000/-(ten



thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Railway), Sonpur, Saran in connection with Muzaffarpur Rail P.S. Case No. 09 of 2020 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail 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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