

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22759 of 2020

Arising out of PS. Case No.-169 Year-2019 Thana- MATIHANI District- Begusarai

Raj Kishore Singh @ Bam Bhole Singh, S/o Vilayati Singh Resident of
Village-Ramdiri (Mahaji Tola), P.S.-Matihani, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
20.11.2019 in a case registered for the offences punishable
under Sections 353/307/414/34 of the Indian Penal Code and



Sections 25(1-B)a/26/27/35 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self-statement of Mr. Santosh Kumar Sharma, S.I.-cum-S.H.O., Matihani P.S., recorded on 19.11.2019 at 2.30 P.M., is to the effect that on the same day at 10 A.M. during patrolling, a confidential information was received that dreaded criminal along with his gangmen are planning to commit some serious offence, consequently, a raid was laid, when two motorcycles were intercepted but they resorted to fire upon the police party. The police party also resorted to fire and apprehended two persons, who disclosed their name as co-accused Budhan Singh and Raj Kishore Singh @ Bam Bhole Singh, the petitioner. From the possession of co-accused Budhan Singh, one automatic rifle loaded with cartridge, one country-made loaded pistol, 19 live cartridges, one Samsung mobile phone and one Pulsar motorcycle were recovered and from the possession of Raj Kishore Singh @ Bam Bhole Singh, the petitioner, one country-made pistol and three live cartridges, Jio mobile phone and Honda motorcycle were recovered.

It is submitted by learned counsel for the petitioner that admittedly, none received injuries and the accusation of



firing is not against the petitioner. In fact, the petitioner has falsely been framed in the matter. A statement has been made in paragraph no. 3 that the petitioner is not having any criminal antecedent and investigation has already been concluded.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner but the accused persons resorted to fire on police party.

Considering the fact that material on record does not suggest that any injury has been caused to the police party and investigation has already been concluded, coupled with the 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 Judicial Magistrate, Sri Rajeev Kumar, Begusarai or concerned court in connection with Matihani P.S. Case No. 169 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 upon 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 Judicial Magistrate, Sri Rajeev Kumar, Begusarai or concerned court in connection with Matihani P.S. Case No. 169 of 2019.

The learned Court below is 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 application stands disposed of.

(Dinesh Kumar Singh, J)

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