

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23846 of 2020**

Arising out of PS. Case No.-727 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Vishwajeet Pratap, S/o Dhanjay Kumar Singh Resident of Village- Rewa,
P.S.- Saraiya, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 18-09-2020 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



20.10.2019 in a case registered for the offences punishable under Sections 414, 307 and 353 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act and, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Mashir Alam, S.I. submitted to the Station House Office, Muzaffarpur Sadar, is to the effect that on 19.07.2019 during evening patrolling, a confidential information was received that three persons were travelling on a motorcycle and planning to commit some serious offence, consequently, a raid was laid and on seeing the police party the accused persons started fleeing away. The accused persons pointed pistol on the police but one of them was caught hold by the police, who disclosed his name as Vishwajeet Pratap, the petitioner. From the possession of the petitioner, one country-made loaded pistol and two live cartridges were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been roped in the present case and investigation has already been concluded.

Learned APP for the State submits that the



recovery has been made from the possession of the petitioner.

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 Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 727 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 Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 727 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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