

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21150 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- PIYAR District- Muzaffarpur

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Mahesh Sahani Son of Kailash Sahani Resident of Village- Pilkhi, P.S.- Sakra,
District- Muzaffarpur. Petitioner.

Versus

The State of Bihar Opposite Party.

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Appearance :

For the Petitioner/s : Mr.Vipin Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2020 The matter has been taken up through virtual Court proceeding.

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

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 resumption of physical court proceeding. In the eventuality of non-removal of defects, the office will place the matter before the bench.

The petitioner is languishing in custody since 05.02.2020 in a case registered for the offences punishable under Sections 399/402 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act, hence, the prayer for bail has been made through the present application.



The prosecution case, as per the written report of A.S.I., Tusai Ram submitted to the Station House Officer, Piya Police Station, is to the effect that on 05.02.2020 during patrolling, a confidential information was received that the miscreants are planning to commit dacoity, consequently, a raid was laid and the petitioner was apprehended and from his possession a country made loaded pistol and four live cartridges were recovered.

It is submitted by learned counsel for the petitioner that the petitioner is accused in another case under Excise Act and petitioner has never been made accused in the case, like, the present case and investigation has already been concluded and he is in custody since 05.02.2020.

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 and period under custody, 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, Ist Class, Muzaffarpur in connection with Piya P.S. Case No. 34 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 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, Ist Class, Muzaffarpur in connection with Piya P.S. Case No. 34 of 2020.

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 is disposed of.

(Dinesh Kumar Singh, J)

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