

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20962 of 2020**

Arising Out of PS. Case No.-553 Year-2019 Thana- SAKRA District-
Muzaffarpur

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Kundan Kumar Son of Sakindra Ram Resident of Village - Bajitpur, P.S. -
Sakra (Bariyarpur O.P.), District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Ranjan, Advocate

For the State : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 13-10-2020 Heard learned counsel for the petitioner and learned

APP for the State through video conference. Learned counsel for
the petitioner undertakes that all defects pointed out by the
stamp reporter shall be removed, and compliance with the
conditions of the notices of this Court with regard to acceptance
of e-filing shall be made, without delay immediately upon
resumption of normal physical functioning of the Court, and in
any event within one month thereof. Learned counsel for the
State states that he has no objection in this regard and the matter
be taken up on merits in view of the stated urgency.

2. The petitioner is in custody since 04.12.2019 in
connection with Sakra P.S. Case No. 553 of 2019 for the offences
alleged under Section 392 of the Indian Penal Code and Sections
25(1-b)a, 26 of the Arms Act.



3. It is submitted that the petitioner has been falsely implicated in connection with looting of Rs. 40,000/- from the shop of the informant by three miscreants including the petitioner who are said to have entered with weapons. All three persons are said to have assaulted the informant and his son whereafter the petitioner was caught and a country made pistol was recovered by the co-villagers which was then handed over to the police. . It is submitted that no recovery of any arms or stolen cash has been made by the police from the petitioner. Moreover, there is no allegation that any cartridges were found along with the country made pistol. It is further submitted that even though the petitioner was caught at the spot, he was produced before the Court two days later on 04.12.2019 which casts considerable doubt upon the prosecution case. A statement is made at the Bar on behalf of the petitioner that neither the informant nor his son has sustained any injury nor received any treatment which is evident from the fact that no doctor has been made a chargesheet witness.

4. Learned APP appears and opposes the petition, submitting that the petitioner is accused in one prior case under Section 394 of the Indian Penal Code.

5. Be that as it may, let the petitioner above named be released on bail upon his competing one year in custody, on furnishing bail bond of Rs.10,000/-(ten thousand) with two



sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 4th -cum-Sub Judge 13th, Muzaffarpur, in connection with Sakra P.S. Case No. 553 of 2019, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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