

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22256 of 2020**

Arising Out of PS. Case No.-157 Year-2019 Thana- ROHTAS District- Rohtas

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BIRENDRA YADAV, Son of Shiv Prasad Yadav, Resident of Village -  
Buddua (Barka Bhudhua), P.S.- Rohtas, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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

**ORAL ORDER**

2      24-08-2020                      The Court proceeding has been conducted through  
virtual mode.

Since the court is not functional in physical mode due  
to the present pandemic, Covid-19, the matter has been listed  
with defects.

Learned counsel for the petitioner undertakes to  
remove the defects within a period of three weeks on  
resumption of physical court proceeding.

In case of non-removal of the defects within the  
undertaken period, the office will place the matter before the



bench.

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

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 25(1-B)a, 26 of the Arms Act, 1959.

The prosecution case as per the written report of S.I, Nehru Tudu Submitted before the S.H.O., Rohtas is to the effect that on 03.07.2019, a confidential information was received that a criminal who is accused of a murder case has taken shelter in his house. Consequently, the house of the petitioner was raided and from the mud grain container, three cartridges and a SIM card of Idea mobile were recovered.

It is submitted by learned counsel for the petitioner that the alleged recovery cannot be treated to be made from the conscious physical possession of the petitioner. In fact, the recovery has been made from the joint family house. The petitioner is languishing in custody since 19.07.2019 and the investigation has already been concluded. Though the petitioner is accused in four other cases, but he is on bail in those cases. A statement to that effect has been made in paragraph no.3 of the petition.



Learned APP for the State submits that the recovery of three cartridges have been made from the possession of the petitioner.

Considering the nature of recovery and 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 SDJM, Dehri, Rohtas, in connection with Rohtas P.S. Case No. 157 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 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.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 SDJM, Dehri, Rohtas, in connection with Rohtas P.S. Case No. 157 of 2019.



The learned Court below will further be at liberty to extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application sands disposed of.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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