

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24458 of 2020

Arising Out of PS. Case No.-52 Year-2020 Thana- ATRI District- Gaya

1. Babi Chauhan, aged about 28 years, Male, son of Kuldeep Chauhan
2. Balmatia Devi, aged about 55 years, Female, Wife of Kuldeep Chauhan, both resident of Village - Dihuri, Police Station - Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Advocate
For the State	:	Mr. Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-09-2020 Heard the parties through the virtual court proceeding.

Since physical court proceeding is not functioning due to present Pandemic Covid-19, the matter is listed with defect.

Learned counsel for the petitioners undertake to remove the defect within three weeks of normal functioning of the court after the lockdown, failing which the office is directed to place the matter before the Bench.

The petitioners seek bail in connection with Atri P.S. Case No. 52 of 2020 registered for the offences punishable under Sections 399, 402, 216, 120-B of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 30(A), 37(2) of the Bihar Prohibition & Excise Amended Act, 2018.

On the confidential information, the police reached



village Dihuri where he saw that six-seven persons were started to flee away out of which four were arrested. It is further alleged that the accused persons accepted that they were planning to loot of traders and also stated that they use to keep arms and wine in the house of Balmatia Devi. It is further alleged that during search of house of Balmatia Devi, one country made pistol and one empty cartridge of 315 bore and 6 liter country made Mahua wine were recovered.

Learned counsel for the petitioners submits that the petitioners are quite innocent and have committed no offence. Learned counsel for the petitioners further submits that the father of petitioner no.1 Kuldeep Chauhan is an old seek person and by taking benefit of that the F.I.R. named accused person Devendra Yadav @ Chapta always threatened the petitioners that if they will not allow to keep his arms and ammunition in his house then they would have to face dire consequences. He further submits that the petitioners have no any criminal antecedent and petitioners are in jail custody since 29.02.2020.

Learned A.P.P. for the State opposed the bail petition.

Petitioners are agreed to deposit a sum of Rs.5,000/- (Rupees Five Thousand) each in the CM Relief Fund, bearing Account No.2065104000002257, IFSC Code: IBKL0002065,



Bank – IDBI, Branch – Kidwaipuri, Patna.

In the facts and circumstances of the case, let the above named petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Atri P.S. Case No. 52 of 2020.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000/- (Rupees Five Thousand) each in the CM Relief Fund.

(Anjani Kumar Sharan, J)

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