

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22325 of 2020

Arising Out of PS. Case No.-144 Year-2019 Thana- AMDABAD District- Katihar

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Biren Chaudhary @ Rival Chaudhary @ Kaliya Chaudhary S/o- Ramashish Chaudhary R/o- Gadai Diara, P.S.- Muffasil, District- Shahibganj (Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. 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.

Heard 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 28.08.2019 in a case registered for the offences punishable under Sections 25(1-B)a/26 of the Arms Act, 1959,



hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self statement of S.I., Naresh Kumar, Station House Officer, Amdabad Police Station on 28.08.2019 at 2.30 P.M., is to the effect that on the same day at 11.00 P.M., a raid was conducted for making arrest of accused of Amdabad P.S. Case No. 137 of 2019 when on seeing police party, the petitioner started fleeing away and on chase he was apprehended and from his possession, one country made pistol was recovered.

From the pleadings, it appears that the petitioner is accused in one another case apart from the present one and investigation has already been concluded.

Learned APP for the State submits that the recovery of arms has been made from the possession of the petitioner.

Considering the nature of recovery, period under custody 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 Chief Judicial Magistrate, Katihar in connection with Amdabad P.S. Case No. 144 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, Katihar in connection with Amdabad P.S. Case No. 144 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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