

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24743 of 2020

Arising Out of PS. Case No.-220 Year-2019 Thana- BIRPUR District- Supaul

GAURAV ANAND @ CHHOTU ARGARIA Son of Shiv Shankar Argaria @
Ram Shankar Argaria Resident of Village- Matiyari, Ward No.14, Police
Station- Balua Bazar, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arun, Advocate

For the Opposite Party/s : Mr Surendra Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

The petitioner seeks bail in Birpur (Balua Bazar) Police Station (for brevity, PS) Case No 220 of 2019 instituted for the offence punishable under Sections 25 (1-b) a, 26, 35 of Arms Act.



The prosecution case is that one Red Coloured Bolero Vehicle has been intercepted. From the petitioner, one country made pistol was found on his waist.

It is submitted by the petitioner's counsel that the petitioner was the Driver and the recovery is not from his possession. There is no compliance with the requisite procedure for seizure and petitioner is in custody since 08.10.2019. He is on bail in Birpur (Balua Bazar) PS Case No 53 of 2019 pending against him since before.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Birpur (Supaul) in Birpur (Balua Bazar) PS Case No 220 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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