

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24602 of 2020**

Arising Out of PS. Case No.-64 Year-2020 Thana- BARGAINIA District- Sitamarhi

JAY PRAKASH KUMAR Son of Sanjay Rai Resident of Village- Chhotka
Panchtaki, P.S.- Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Birendra Kumar, Advocate

For the Opposite Party/s : Mr Uday Chandra Pd, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 21-09-2020 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 Bairgania Police Station (for brevity, PS) Case No 64 of 2020 dated 17.03.2020 instituted for the offence punishable under Sections 25 (1-b)a/26/35 of Arms Act.



Three boys including the petitioner, while crossing the Indo-Nepal Boarder, have allegedly abandoned/thrown away some substance on seeing the police party. Petitioner, being one of the three, was apprehended from the place.

It is submitted by the petitioner's counsel that the allegation of recovery of country made pistol with live cartridges is false. No such recovery has been made from his conscious possession. Recoveries were made from the field. Petitioner has no criminal antecedents. He has not been put on Test Identification Parade and is in custody since 17.03.2020.

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 Chief Judicial Magistrate, Sitamarhi in Bairgania PS Case No 64 of 2020 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)

M.E.H./-

U		T	
---	--	---	--

