

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23832 of 2020**

Arising Out of PS. Case No.-193 Year-2020 Thana- SARAIYA District- Muzaffarpur

Aditya Kumar @ Golu @ Bahubali S/o Ajay Kumar Singh @ Ajay Kumar
Resident of Village- Atrar Madhopur, P.S.- Aurai, Distt-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

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

2 17-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and
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
26.03.2020 in a case registered for the offences punishable



under Sections 25(1-B)a/26/35 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of S.I., Ramvinod Yadav submitted to the Station House Officer, Saraiya Police Station, is to the effect that on 24.03.2020 at 1.30 P.M., a confidential information was received that in Saraiya market someone roaming around Axis Bank ATM with pistol, consequently, a person was apprehended, who disclosed his name as Aditya Kumar @ Golu @ Bahubali, the petitioner and from his possession, one iron made country made pistol along with cartridge was recovered.

It is submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 26.03.2020 and investigation has already been concluded. The petitioner is accused in one other case.

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

Considering the fact that the investigation has already been concluded and period under custody, 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 Additional Chief



Judicial Magistrate - 1st West, Muzaffarpur in connection with Saraiya P.S. Case No. 193 of 2020.

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 Additional Chief Judicial Magistrate – 1st West, Muzaffarpur in connection with Saraiya P.S. Case No. 193 of 2020.

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)

DKS/-

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

