

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24749 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

OMPRAKASH S/o Surendar Paswan Resident of Village- Kulahariya, P.S.-
Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanhaiya Jee Tiwari

For the Opposite Party/s : Mr.Khursid Anwar

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 counsel 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 learned APP for the State .

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Buxar(M) P.S. Case no. 50 of



2020 instituted for the offence under Section(s) 25(1-b)a, 26/35 of the Arms Act.

The prosecution case is that one Sarvan Paswan has confessed in connection with case no. 193/19. He has kept his weapon in the house of the petitioner. The same has subsequently been recovered from the petitioner's house leading to his implication.

It is submitted by the petitioner's counsel that the alleged recovery is false. Petitioner has been framed in the instant case. He has no criminal antecedents and he is in custody on alleged recovery of one country made pistol and four bullets from his house since 15.02.2020. There is no compliance with the mandatory procedure prescribed for seizure.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge Vth, Buxar in connection with Buxar (Muff.) P.S. Case no. 50 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.

(Madhuresh Prasad, J)

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