

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22721 of 2020

Arising out of PS. Case No.-147 Year-2020 Thana- MAIRWAN District- Siwan

=====

Rahul Kumar @ Rahul Rajbhar @ Rahul Kumar Rajbhar S/o Shivjee Rajbhar
Resident of Village-Shivpur Mathiya, P.S.-Mairwa, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Anand Mohan Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 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
21.05.2020 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 self-statement of S.I., Binod Kumar Singh, Mairwa P.S. recorded on 20.05.2020 at 1.45 A.M. at Shivpur Mathiya More, is to the effect that on 19.05.2020 at 10.30 P.M. during raid, three persons were found travelling on a motorcycle, out of which two of them were apprehended by the police, who disclosed their names as Rahul Kumar, the petitioner and Vidyasagar and the third person escaped from the scene. From the possession of the petitioner one loaded country-made pistol with a live cartridge was recovered and one live cartridge was recovered from co-accused Vidyasagar @ Bablu but they failed to produce any papers with regard to the motorcycle in question.

It is submitted by learned counsel for the petitioner that the petitioner is not having any criminal antecedent, statement to that effect has been made in paragraph no. 3 of the petition and investigation has already been concluded.

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

Considering the fact that the petitioner is not having any criminal antecedent and 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



Additional Chief Judicial Magistrate-VII, Siwan in connection with Mairwa P.S. Case No. 147 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-VII, Siwan in connection with Mairwa P.S. Case No. 147 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)

Vikash/-

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

