

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22771 of 2020

Arising Out of PS. Case No.-438 Year-2019 Thana- JAYNAGAR District- Madhubani

Lala Mishra @ Bikram Mishra Son of Anil Mishra Resident of Village-
Lorika, P.S.-Benipatti, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-09-2020 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
04.01.2020 in a case registered for the offences punishable



under Sections 3/4 of Explosive Substances Act and Section 27 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 Sub-Inspector of Police, Pradeep Kumar submitted to the Station House Officer, Jainagar Police Station, is to the effect that on 29.08.2019 at 8.20 A.M., a confidential information was received that some notorious criminal have hurled an explosive (bomb) near the brick kiln of one Rambabu, consequently, a raid was laid and some used cartridges and other articles were recovered from the brick kiln of Rambabu, leading to registration of FIR against unknown. The petitioner is not named in the FIR but his name sprang up during investigation.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. Though the petitioner is accused in one other case but he is on bail in that case and investigation has already been concluded.

Learned APP for the State submits that the name of the petitioner sprang up during investigation.

Considering the nature of recovery from the brick



kiln of Rambabu and the fact that nothing has been received from the possession of the petitioner and 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 Sub-divisional Judicial Magistrate, Madhubani in connection with Jaynagar P.S. Case No. 438 of 2019.

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 Sub-divisional Judicial Magistrate, Madhubani in connection with Jaynagar P.S. Case No. 438 of 2019.

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)

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