

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24497 of 2020

Arising Out of PS. Case No.-403 Year-2019 Thana- GANDHIMAIDAN District- Patna

RAJESH KUMAR @ MALLU @ RAJESH PRASAD Son of Ramjee Prasad
Resident of Village- Kurthaul, Dariyapur, P.S.- Parsa Bazar, District- Patna.
... .. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr.Gajendra Kumar Singh
For the Opposite Party : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-10-2020 Heard Mr. Gajendra Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Rajiv Nayan,
learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of
Gandhi Maidan P.S. Case No.403 of 2019, registered for the
offence punishable under Sections 380, 414, and 34 of the
Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

It is the prosecution's case that on a secret information
to the effect that certain criminals had assembled with arms at a
particular place, the police reached there, when they noticed 3-4
persons talking to each other and on seeing the police, they
started fleeing away. Four of them were chased and caught by
the police. On search, from the petitioner's possession, three
country made pistols were recovered.

Since his arrest on 18.09.2019, the petitioner is in



custody. He had earlier approached this Court by filing his application for his release on regular bail, giving rise to Cr. Misc. No. 2497 of 2020, which was dismissed by an order dated 20.01.2020 with an observation that once the charge was framed in the case or the petitioner has remained in custody for six months, he shall be at liberty to renew his prayer for bail. It is in the light of the said observation made by this Court that the present application has been filed on behalf of the petitioner.

Learned counsel appearing on behalf of the petitioner has argued that even if the case of the prosecution is treated to be correct, no cartridge was recovered from the petitioner's possession and only three country made pistols were allegedly recovered. While denying the allegation made in the First Information Report, he has argued that since there is no likelihood of conclusion of the trial in near future, particularly in the light of the current pandemic, the petitioner may be allowed bail.

Considering the facts and circumstances, as noted above, particularly keeping in mind the observations made by this Court in the order dated 20.01.2020, this application is allowed.

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 learned Sub Judge-XIV-Additional Chief Judicial Magistrate, Patna, in Gandhi Maidan P.S. Case No.403 of 2019.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate



electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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