

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24685 of 2020**

Arising Out of PS. Case No.-251 Year-2019 Thana- MANIYARI District- Muzaffarpur

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DHEERAJ KUMAR @ PACHHU S/o Late Binod Bhagat R/o Village-
Basauli, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Jyotsna Rani Mishra, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels 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 the learned APP for the State.

The petitioner seeks bail in Maniyari Police Station (for brevity, *PS*) Case No 251 of 2019 instituted for the offence punishable under Sections 25 (1-b) a/ 26/35 of Arms Act.

The petitioner was an accused of Maniyari PS Case



No 193 of 2019. The informant alleges that he got information that he is coming to his house and, thereafter, has apprehended the petitioner and one country made pistol with three live cartridges is alleged to have been recovered from his possession.

Petitioner's counsel submits that implication in Maniyari PS Case No 193 of 2019 is merely on suspicion as petitioner was not named in that case. She denies and disputes the recovery of firearms from the petitioner and submits that the same has been planted. Charge sheet has been submitted on 30.10.2019 and petitioner is in custody since 22.09.2019.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Muzaffarpur in Maniyari PS Case No 251 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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