

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27422 of 2020

Arising Out of PS. Case No.-321 Year-2019 Thana- MUFFASIL District- West Champaran

Deepak Patel, Son of Sri Prahalad Patel @ Prahlad Patel, Resident of
Mohalla- Baswariya, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-10-2020 Since as of now the Courts have not resumed normal
physical hearing, the matter has been listed today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings
from their homes, all with the aid of audio visual
technology.

Mr. Rajiv Nayan, learned APP is appearing for the
State as it is submitted that the brief has been allotted to him
by the office of Advocate General.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with



Bettiah Muffasil P.S. Case No.321 of 2019 registered for the offence punishable under Section 387 of the Indian Penal Code and Section 25(1-B)(a)/26/35 of the Arms Act, 1959.

There is allegation of recovery of a country-made pistol from the petitioner's possession. Taking note of his being accused in five other cases, his prayer for bail was earlier rejected by this Court on 09.12.2019 in Cr.Misc. No.74121 of 2019 with liberty to renew his prayer if the trial was not concluded within six months.

When it is taken up today, petitioner's counsel submits that till filing of the bail application, not a single witness has turned up and there is no chance of the same being concluded in near future.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Excise Case



No.671 of 2020 arising out of Bettiah Muffasil P.S. Case
No.321 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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