

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27287 of 2020**

Arising Out of PS. Case No.-17 Year-2020 Thana- BARAUNI RAIL P.S. District- Begusarai

Chamru Bind @ Chamru Mahto Son of Sri Jawahar Bind Resident of Village-
Simariya Bindtoli, P.S.- Barauni, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand,Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 19-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Rina Sinha, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Barauni Rail P.S. Case No. 17 of 2020 registered for the offences punishable under Sections 25(1-b)a, 26 and 27 of the Arms Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that of being in possession of a country-made pistol with one live cartridge. Learned counsel submits that both the seizure list witnesses of this case are the police constables and it is the case of false implication of the petitioner. It is further submitted that the petitioner has remained in jail in this case



since 06.02.2020, the only case against him as stated in paragraph '3' in which he is on bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but has agreed that the custody of the petitioner is now up to more than eight months.

Considering the facts and circumstances of the case wherein the petitioner has remained in jail for eight months by now, investigation against him is complete and there is no submission on behalf of the State that release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Rail Judicial Magistrate, Barauni, Begusarai with Barauni Rail P.S. Case No. 17 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to



the Court or to any Police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

