

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27909 of 2020**

Arising Out of PS. Case No.-414 Year-2019 Thana- BIHPUR District- Bhagalpur

PAPPU SAH Son of Upendra Sah Resident of Village - Amarpur, Police
Station - Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr Md Fahimuddin, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-11-2020 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.

Mr Md Fahimuddin, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Bihpur Police Station (for brevity, PS) Case No 414 of 2019 instituted for the offence



punishable under Sections 25 (1-b) 1, 26, 35 of Arms Act.

Two live cartridges are said to be recovered from the shirt pocket of the petitioner.

It is submitted that the allegation is false. The petitioner has no connection with the alleged recovery. He is having a clean past and is in custody since 09.11.2019, now roughly a year.

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 Additional Chief Judicial Magistrate, Naugachia, in Bihpur PS Case No 444 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)

M.E.H./-

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