

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26311 of 2020**

Arising Out of PS. Case No.-646 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

KUNDAN SINGH @ KUNDAN PATEL Son of Navalkishore Singh Resident
of Village - Sikathi, P.S.- Bhabua, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr Sunil Kr Pandey, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **13-10-2020** 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 Bhabua Police Station (for brevity, PS) Case No 646 of 2019, GR No 2291 of 2019 instituted for the offence punishable under Sections 25 (1-b) a, 26, 35 of Arms Act.



Allegation is of recovery of a short gun from the petitioner.

Petitioner's counsel submits that on basis of such recovery, which is in contravention of Section 100 of Criminal Procedure Code and based on falsehood, he has been now in custody since 26.10.2019. He is on bail in other nine cases pending against him from before.

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 Chief Judicial Magistrate, Kaimur at Bhabua Bhabua PS Case No 646 of 2019, GR No 2291 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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