

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27544 of 2020**

Arising Out of PS. Case No.-41 Year-2020 Thana- CHANDI District- Bhojpur

MD. AJAD ASHARAPH S/o Md. Ali Emam Resident of Village-Narahi, P.S.-
Chandi, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 20-10-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due
to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to remove
the defects within three weeks of resumption of physical court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 393 & 401 of the Indian



Penal Code and Section 25 (1-b), 26 & 35 of the Arms Act.

As per the prosecution case, while the informant was on patrolling duty he got secret information that two person were present in the garden near Shiv Mandir and are preparing to commit crime. On the basis of the said information, the informant reached there and seeing informant one person managed to escape while the petitioner was caught hold and from the possession of the petitioner one country made pistol and four cartridges were recovered. On the disclosure of the petitioner two knives were also recovered.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case by the police. As a matter of fact, no recovery has been made from the petitioner in the entire episode, he was simple sitting in the garden and gossiping was going on with his friends. The petitioner has been languishing in custody since 18.03.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, **after 8th of November, 2020**, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Chief
Judicial Magistrate-12 or concerned Court, Bhojpur at Ara in
connection with Chandi P.S. Case No.41 of 2020.

(Anjani Kumar Sharan, J)

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