

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23297 of 2020

Arising out of P.S. Case No.-389 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

Chandan Bhagat, Son of Heera Bhagat, Resident of Village- Krishna Toli,
P.S.- Barahmpura, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned APP for the State.

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

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

The petitioner is languishing in custody since
17.11.2019 in a case registered for the offences punishable
under Sections 25(1-B)a/26 of the Arms Act, hence, the prayer



for bail has been made through the present application.

The prosecution case, as per the self-statement of S.I.-cum-SHO, Vishwanath Ram, Brahampura Police Station recorded on 16.11.2019 at 7.00 P.M., is to the effect that on the same day, during the night patrolling, a secret information was received that Chandan Bhagat, the petitioner is roaming around with the arms. On arrival of the police, the petitioner tried to escape from the scene but he was nabbed. From the possession of the petitioner, one loaded country-made pistol with one live cartridge and one mobile phone was recovered.

From the pleading of the petition, it appears that the investigation has already been concluded and in paragraph no. 3 of the petition it is stated that the petitioner is accused in three cases out of which in two cases the petitioner is on bail and his name in two cases sprang up on the confession of the co-accused.

Learned APP for the State submits that the arms has been recovered from the possession of the petitioner.

Considering the fact that the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief



Judicial Magistrate, Muzaffarpur in connection with
Brahampura P.S. Case No. 389 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Brahampura P.S. Case No. 389 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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