

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23303 of 2020

Arising out of PS. Case No.-206 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

1. Hiralal Kumar Son of Suresh Choudhary R/o Village - Bhagatpur, P.S. - Ballia, District - Begusarai.
2. Golu kumar Son of Nand Kishore Singh R/o Village - Mirelipur, P.S. - Ballia, District – Begusarai..... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandan Kumar Kashyap, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 The Court proceeding has been conducted through virtual mode.

Heard learned counsel for the petitioners and 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 petitioners undertakes 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 petitioners are languishing in custody since 21.03.2020 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 written report of Ranjan Kumar Thakur, S.I. submitted to the Station House Officer, Begusarai Town Police Station, is to the effect that on 20.03.2020 at 7.45 P.M., a confidential information was received that some miscreants were seen in the Hegra road area and they are trying to commit a crime, consequently, a raid was laid and two persons were intercepted, who disclosed their name Hiralal Kumar and Golu Kumar, the petitioners. From the possession of the petitioners, one loaded country-made pistol and one cartridge was recovered.

It is submitted by learned counsel for the petitioners that the investigation has already been concluded and statement has been made in paragraph no. 3 of the petition that the petitioners are accused in one other case in which they were not named and subsequently they were remanded on the confession of co-accused.

Learned APP for the State submits that the recovery of arms has been made from the possession of the petitioners.

Considering the fact that the investigation has already been concluded, let the petitioners 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, Begusarai in connection with Begusarai Town P.S. Case No. 206 of 2020.

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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each 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, Begusarai in connection with Begusarai Town P.S. Case No. 206 of 2020.

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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