

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25186 of 2020**

Arising Out of PS. Case No.-738 Year-2019 Thana- GARKHA District- Saran

SONU KUMAR @ SONU MAHTO Son of Bisheshwar Patel Resident of
Village - Nari Khurad, P.S.- Tisaut, Village - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 29-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four week of resumption
of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioner and Mr. Uma
Shankar Prasad Singh, learned APP for the State.

The petitioner is languishing in custody since
12.12.2019, in a case registered for the offences punishable



under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case, as per the self-statement of Ashok Kumar, S.I.-cum-S.H.O., Garkha Police Station is to the effect that on 01.12.2019 at about 6.15 P.M., during patrolling, a confidential information was received that one person is roaming around in suspicious condition, consequently, raid was laid and on chase, he was apprehended and disclosed his name as the petitioner. From his possession, one country made loaded pistol and one cartridge were recovered.

Learned counsel for the petitioner submits that the petitioner has maliciously been roped in the present case. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in six other cases and a supplementary affidavit has been filed that out of six cases, he is on bail in three cases.

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

Considering the nature of recovery, period under custody and the fact that 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 ACJM-



XIV, Saran at Chapra, in connection with Garkha P.S. Case No. 738 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 on 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 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 learned ACJM-XIV, Saran at Chapra, in connection with Garkha P.S. Case No. 738 of 2019.

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

Considering the serious criminal antecedent of the



petitioner, the learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial or he substantially gets involved in serious nature of offence.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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