

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28147 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- DARPA District- East Champaran

BIRLAL SAH S/o Late Sonalal Sah Resident of Village- Bathnahiya, P.S.-
Darpa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Prosecution case, in short, is that two loaded country
made pistols along with 15 live cartridges is recovered.

It has been submitted on behalf of the petitioner that



the petitioner is in custody since 10.03.2020 and has got no criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that two loaded country made pistols along with 15 live cartridges is recovered. There is no compliance of Section 100 Cr.P.C. The petitioner has already remained in custody for more than six months.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari in connection with Darpa P.S. Case No. 36/2020.

(Sudhir Singh, J)

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