

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25188 of 2020

Arising Out of PS. Case No.-568 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

Santosh Kumar @ Chuhwa @ Santosh Mahto S/o Virmani Mahto Resident of
Village-Simariya Ghat (Bind Toli), P.S.-Chakiya, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar @ Alok Kr Shahi

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2020 The matter has been taken up through virtual

Court proceeding.

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects within
undertaken period, the office shall place the matter
before the bench.

Heard learned counsel for the petitioner and



learned counsel for the State.

The petitioner is languishing in custody since 25.09.2019 in a case registered for the offences punishable under Sections 25(1-B) a, 26, 31, 35 of the Arms Act, 1959.

The prosecution case as per the written report of Varun Kumar, S.I. of Police, submitted to the S.H.O, Begusarai (Town) Police Station is to the effect that on 24.09.2019 at 12:30 P.M, on information received by the informant that a notorious criminal namely Munna Bhagat is staying in a rented house in Vishnupur and is planning to commit a crime, raid was laid and the petitioner Santosh Kumar @ Chuhwa and Vicky @ Kundan were arrested. From the possession of the petitioner Sandoth Kumar, one country made loaded pistol and four live cartridges were recovered while from the possession of Vicky @ Kundan, one loaded country made pistol and seven live cartridges were recovered, leading to registration of the present case.



It is submitted by learned counsel for the petitioner that investigation has already been concluded and co-accused Vicky @ Kundan from whose possession, a loaded country made pistol and seven live cartridges were recovered, has already been granted bail by this Court vide Cr. Misc. No. 24696 of 2020.

A statement has been made in para 3 of the petition that petitioner is accused in four other cases.

Learned counsel for the petitioner submits that petitioner is on bail in those cases, though statement to that effect has not been made in the petition.

Learned A.P.P. submits that recovery of arms and live cartridges were made from the possession of the petitioner.

Considering the fact that investigation has already been concluded and similarly situated co-accused person has already been granted bail, 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 learned Chief Judicial Magistrate, Begusarai in connection with Begusarai (Town) P.S. Case No. 568 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 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai (Town) P.S. Case No. 568 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to



further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

However, keeping in view of the fact that the impugned order suggest that petitioner has not mentioned about the criminal antecedent before Court below and there is no statement in para 3 of the petition that petitioner is on bail in those cases mentioned therein, learned Court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner gets substantially involved in similar nature of offences.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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