

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30464 of 2020**

Arising Out of PS. Case No.-135 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

VISHAL SINGH S/o Sadan Singh R/o Vill.-Pawat, P.S.-Ara (M) (Dhobhao
O.P.), Distt.-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-11-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in connection with Ara (M) P.S. Case No. 135/2020 registered for the offences punishable under Section 25(1-b)a/35/26 of the Arms Act.

Learned counsel for the petitioner has submitted from the First Information Report that a Sanha was lodged against Vishal Singh (the petitioner) that he was threatening to murder, on the basis of confidential information a raid was conducted and the petitioner was caught red-handed along with three persons riding on motorcycle and have recovered rifle from Vishal Singh's possession and from other person Desi Katta and cartridges were recovered.



Learned counsel for the petitioner submits that petitioner was apprehended when he was going on the motorcycle with the co-accused and from his possession one loaded rifle was seized, petitioner is in jail since 05.05.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein though there is an allegation that this petitioner was apprehended when he was going on the motorcycle with the co-accused and from his possession one loaded rifle was seized but considering that the petitioner has remained in custody since 05.05.2020, there is otherwise no allegation of firing against him and the one case in which he has been made accused after this case under the provisions of Bihar Prohibition and Excise Act, 2016, he is said to be on bail, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 12th A.D.J., Ara, Bhojpur, in connection with Ara (M) P.S. Case No. 135/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission



of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

