

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25733 of 2020

Arising Out of PS. Case No.-430 Year-2019 Thana- BALIYA District- Begusarai

ADALAT SINGH Son of Mohan Singh Resident of Village - Nagargama,
P.S.- Balia, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sandeep Kumar, Advocate
		Mr. Alok Kumar @ Alok Kr Shahi, Advocate
For the Opposite Party	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 21-12-2020 Heard Mr. Sandeep Kumar, learned counsel appearing on behalf of the petitioner and Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Balia P.S. Case No. 430 of 2019, registered for the offence punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

The petitioner was apprehended by the police on 13.11.2019 on the basis of secret information that the petitioner, with his accomplices, was secretly hiding in an orchard. From the petitioner's possession, a loaded country made pistol and four live cartridges were recovered. Whereas, the petitioner allegedly accepted that the pistol belonged to him, in respect of



the cartridges, he is said to have disclosed that the same belonged to co-accused Sunil Singh and Amarjit Paswan, who had managed to flee away from the place of occurrence.

The petitioner has criminal antecedent as can be seen from paragraph 3 of the application.

Mr. Sandeep Kumar, learned counsel appearing on behalf of the petitioner, has argued that the petitioner has been apprehended only because of his involvement in other criminal cases. He has further submitted that, in any event, on the sole basis of recovery of illegal firearm from his possession, the petitioner is in custody since 14.11.2019. He has argued that a condition may be imposed by this Court that if the petitioner is found to be involved in criminal cases in future, the prosecution shall be at liberty to take steps for cancellation of his bail in all cases in which the petitioner is on bail including the present case.

Considering the above submission and the fact that the petitioner is in custody since 14.11.2019, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned C.J.M., Begusarai, in Balia P.S. Case No. 430 of 2019.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social



distancing.

(Chakradhari Sharan Singh, J)

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