

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32261 of 2020

Arising Out of PS. Case No.-42 Year-2020 Thana- RUPASPUR District- Patna

MUKESH RAJBHAR S/O Shesh Nath Rajbhar Resident of Village -
Gogaura, Post - Gogaura, P.S. - Dhansoi, District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amit Pandey

For the Opposite Party : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-12-2020 Heard Mr. Amit Pandey, learned counsel appearing on behalf of the petitioners and Mr. Arun Kumar, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Rupaspur P.S. Case No. 42 of 2020, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016, Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b), 26 and 35 of the Arms Act.

The petitioner is in custody since 03.02.2020. It is alleged that on the basis of secret information that few criminals were planning to execute crime and had assembled beneath a road over-bridge, a raid was conducted by the police. On seeing the police, the accused persons had started fleeing away, however, on chase, they were caught. From the petitioner's possession, two live cartridges were recovered.



Learned counsel appearing on behalf of the petitioner has submitted that even if the case of the prosecution is treated to be correct, only on the allegation of recovery of two live cartridges, the petitioner is incarcerated in jail since 03.02.2020.

Considering the facts and circumstances and the submissions, as noted above, 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 Special Court, Excise, Patna, in Rupaspur P.S. Case No. 42 of 2020.

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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