

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31909 of 2020

Arising Out of PS. Case No.-138 Year-2018 Thana- MAHUA District- Vaishali

Kundan Singh @ Kundan Kumar, Son of Bhagwan Rai @ Bhagwan Bhagat
Resident of Village - Parsauniya, P.S.- Mahua, District - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Advocate Mr. Abhishek Kumar, Advocate
For the Opposite Party	:	Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Mahua P.S. Case No. 138 of 2018 registered under Sections 399, 402, 414 read with 34 of the Indian Penal Code and Section 25(1-B)(a), 26 and 35 of the Arms Act.

3. It is submitted by the learned counsel for the petitioner that name of the petitioner has transpired in confessional statement of the accused who were apprehended on the spot by the police. It is further contended that there is no recovery of any arm or ammunition from possession of the petitioner. It is also contended that for the alleged recovery of country-made pistol and motorcycle from some other accused person, the petitioner is in



custody since 16th April, 2020.

4. Learned counsel for the State has opposed the application for grant of bail to the petitioner.

5. Considering the nature of the offence, the submissions advanced on behalf of the parties and the period of over seven months undergone by the petitioner in custody, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No.138 of 2018.

6. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court 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 steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J.)

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