

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75712 of 2019

Arising Out of PS. Case No.-322 Year-2018 Thana- SAHPUR District- Patna

Awadhesh Rai S/o Late Laldhari Rai R/o village- Hathiyakhand (Bandhu Tola), P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bauye Jee Jha (B.J. Jha), Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act.

The report of the trial Judge vide letter dated 02.01.2020 submitted in pursuance of order dated 27.11.2019 would reveal that the cognizance has not been taken in the matter due to non-procurement of sanction order by the Investigating Officer. The petitioner is in custody since 24.10.2018.

Evidently, the remand of the petitioner is not permissible beyond prescribed period of 60 days under Section 167 Cr.P.C. and unless cognizance is taken remand of the



petitioner under Section 309(2) Cr.P.C. is illegal.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sahapur P.S. Case No.322 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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