

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.287 of 2020

Arising Out of PS. Case No.-481 Year-2019 Thana- CIVIL LINE District- Gaya

Md. Sikandar @ Md. Sikander, Son of Md. Ali Nabi, Resident of Village - Saronji, P.S.- Nimchak Bathani, District - Gaya presently Residing at Alpi Apartment Karimganj, P.S.- Civil Lines, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Shivendra Prasad, learned counsel for the petitioner and Mr. J.N. Thakur, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 25(1-B)a/26 of the Arms Act.

The prosecution case, as per the self statement of Uday Kumar, Inspector -cum- SHO, Civil Lines Police Station, Gaya recorded on 20.10.2019 at 09.15 P.M., is to the effect that on the same day during evening patrolling, one person was intercepted , who disclosed his name as Md. Sikandar, the



petitioner and from the dicky of the motorcycle, 20 live cartridges and from the room of the petitioner, 50 live cartridges were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been framed in the present case. The petitioner is languishing in custody since 21.10.2019 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the nature of recovery, period under custody and statement being made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Civil Lines P.S. Case No. 481 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the



surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Civil Lines P.S. Case No. 481 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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