

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4849 of 2020

Arising Out of PS. Case No.-251 Year-2019 Thana- SONO District- Jamui

1. SUDHIR KUMAR, Son of Amrika Yadav @ Amrit Yadav, Resident of Village - Dahiyari, P.S.- Sono, Dist.- Jamui.
2. Dugan Yadav @ Rakesh Kumar @ Rakesh Kumar Yadav, Son of Sona Yadav, Resident of Village - Dahiyari, P.S.- Sono, Dist.- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are languishing in custody since 04.09.2019 in a case registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case as per the written report of S.I., Rajesh Kumar, S.H.O., Sono Police Station submitted before the CJM, Jamui, is to the effect that on 04.09.2019 at 10.30 A.M. a secret information was received that 10-15 miscreants are preparing to commit dacoity. Consequently, a raid was laid and three persons were apprehended, namely, co-accused



Doman Yadav, Sudhir Kumar (petitioner no.1), Dugan Yadav (petitioner no.2). From the possession of co-accused, Doman Yadav, one country made pistol and one live cartridge were recovered, from the possession of petitioner no.1, Sudhir Yadav, two live cartridges were recovered whereas from the possession of petitioner no.2 Dugan Yadav, one loaded country made pistol and a live cartridge was recovered.

It is submitted by learned counsel for the petitioners that the petitioners are languishing in custody since 04.09.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

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

Considering the fact that the investigation has already been concluded and statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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 Judicial Magistrate, 1st Class, Jamui, in connection with Sono P.S. Case No.251 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 on 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned learned Judicial Magistrate, 1st Class, Jamui, in connection with Sono P.S. Case No.251 of 2019.

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

(Dinesh Kumar Singh, J)

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