

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13116 of 2021**

Arising Out of PS. Case No.-152 Year-2020 Thana- SIMRI District- Darbhanga

JAI SHANKAR BHAGAT Son of Late Ram Kishore Bhagat Resident of
Village - Sanahpur, P.S.- Singhwara, District – Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 19-07-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Simri PS Case No. 152 of 2020, registered under Sections 399, 402, 412, 120(B) of the Indian Penal Code and Sections 25(1-A), 25(1AA), 26(i) and 35 of Arms Act.

There is recovery of one pistol, two live cartridges and mobile phone from possession of the petitioner.

It is submitted by the petitioner's counsel that it is a case



of false implication. The seizure is not in accordance with law and the petitioner is in custody since 08.08.2020. Petitioner is accused in one more case bearing Simri PS Case No. 150 of 2020 in which he is on bail.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in Simri PS Case No. 152 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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