

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3137 of 2020

Arising Out of PS. Case No.-638 Year-2017 Thana- HAJIPUR District- Vaishali

ANKESH KUMAR @ MICHEL Son of Bhushan Kumar Rajak @ Jawahar Razak Resident of Village-Simri, P.S-Bidhyapati Nagar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in jail since 28.05.2019 in a case registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Kunal Kumar, recorded by S.I. Uma Shankar Rai of Town Police Station, Hajipur on 11.09.2017 at 8:00 A.M. is to the effect that on 10.09.2017, the informant was sleeping along with his family members, in the



meantime, eight accused persons entered into the house of the informant and on the gunpoint, robbed jewellery, cash and other valuable articles of the informant, leading to registration of the present F.I.R against unknown.

The name of the petitioner sprang up during investigation. The petitioner confessed the guilt and at his instance, cash and jewellery were recovered.

It is submitted by learned counsel for the petitioner that petitioner has wrongly been framed in the matter. Neither the petitioner nor the recovered articles have been put on T.I. Parade and apart from the confessional statement of the petitioner, no cogent material has been collected against the petitioner during investigation. It is further submitted that other co-accused persons from whose possession, recovery has been made, have been granted bail, though statement to that effect has not been made in the petition.

Though the petitioner is accused in four other cases but he is on bail in three of them.



Learned A.P.P., after going through the case diary submits that name of the petitioner sprang up during investigation and recovery has been made from his possession.

Considering the fact that investigation has already been concluded and co-accused persons have been granted bail, period under custody, 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 learned Chief Judicial Magistrate, Hajipur, Vaishali in connection with Hajipur Town P.S. Case No. 638 of 2017.

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 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur, Vaishali in connection with Hajipur Town P.S. Case No. 638 of 2017 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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