

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3056 of 2020

Arising Out of PS. Case No.-398 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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Bitu Kumar @ BITTU KUMAR S/o Late Vinod Ram @ Binod Ram R/o
village- Arar More, Harijan Colony Ward No. 28, P.O. and P.S.- and Distt.-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Roy

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 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

04.11.2019 in a case registered for the offences

punishable under Section 395 of the Indian Penal Code.

The prosecution case as per the written report

of Azad Kumar Ram, submitted before the S.H.O.,

Gopalganj Town Police Station on 21.08.2019 is to the

effect that on the same day at 10:30 P.M., when the

informant on way from bus stand to his home, six



unknown persons came in a car and on pistol point robbed cash amount of Rs. 1300/- and two mobile phones of the informant and fled away, leading to the registration of the F.I.R against unknown.

The name of the petitioner sprang up during investigation when he confessed the guilt in connection with Gopalganj P.S. Case No. 402 of 2019 and subsequently, the white colour car which was used for commission of the offence, two mobile phones etc were also recovered.

The learned counsel for the petitioner submits that only on the basis of suspicion, the petitioner has been roped in the present case. The impugned order suggests that a car was seized from the possession of the petitioner. However, there is no seizure of any car in the present case. In fact, a car was seized in Gopalganj (Town) P.S. Case No. 402 of 2019 but that car was seized near a railway crossing and not from the possession of the petitioner. Moreover, the petitioner has



not been put on Test Identification Parade and the investigation has already been concluded. It is further submitted that co-accused Bitu Kumar has been granted bail by a Co-ordinate bench of this Court vide Cr. Misc. No. 3815 of 2020. Though the petitioner is accused in two other cases but subsequent to the filing of the present petition, he has been granted bail in both the cases. A statement to that effect has been made in para 3 of the petition. The petitioner is in custody since 04.11.2019.

Learned A.P.P. submits that the name of the petitioner sprang up on the basis of his confession made in Gopalganj P.S. Case No. 402 of 2019.

Considering the fact that investigation has been concluded and the material on record does not suggest that petitioner has been put on Test Identification Parade and 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, Gopalganj in connection with Gopalganj P.S. Case No. 398 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 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, Gopalganj in connection with Gopalganj P.S. Case No. 398 of 2019 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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