

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4996 of 2020

Arising Out of PS. Case No.-486 Year-2019 Thana- MAHUA District- Vaishali

Chandan Kumar, S/o Late Ranjeet Singh, R/o village- Ramnagar, P.S.- Sakra,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 31-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody sine
20.11.2019, in a case registered for the offences punishable
under Section 392 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of
Kundan Kumar, submitted to the Station House Officer, Mahua
Police Station is to the effect that on 26.08.2019, the informant
being the Branch Manager of Bharat Financial Inclusion
Limited, Mahua Branch was going to deposit Rs. 3,67,390/- in
the Bank of India, but on the way, three unknown persons, on
pistol point, robbed the informant, leading to registration of the
present case against three unknown. The name of the petitioner



sprang up during investigation on the confession of co-accused Anand Kumar, who confessed that the petitioner was accomplice in the robbery.

Learned counsel for the petitioner submits that there is no recovery from the conscious physical possession of the petitioner. The investigation has already been concluded but the petitioner has not been put on T.I. Parade. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case in which he is on bail. Moreover, in the present prevalent situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of co-accused person.

Considering the fact that material on record, particularly the case diary, does not suggest that the petitioner has been put on T.I. Parade, the investigation has already been concluded, period under custody and the fact that the trial is not likely to be concluded due to the pandemic, Covid-19, moreover, there is no recovery from the conscious physical possession of the petitioner, 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 CJM, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 486 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 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 learned CJM, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 486 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in



physical mode will not resume in next three months.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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