

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8052 of 2020**

Arising Out of PS. Case No.-360 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

Suraj Kushwaha @ Suraj Choudhary @ Suraj Prakash Son of Satyanarayan
Singh @ Satya Narayan Chaudhary Resident of Village - Barka Nuwan, P.S.-
Buxar (M), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh
For the Opposite Party/s : Mr.Gauri Shankar Gupta

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 25-06-2020 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 03.12.2019 in
a case registered for the offences punishable under Section
392 of the IPC.

The prosecution case, as per the written report of
Bimlesh Kumar Singh, submitted to the SHO, Buxar police
station is to the effect that the informant is working in the
Customer Service Centre. On 28.11.2018 at 11.30 A.M., six
persons came on two motorcycles. Out of them, two persons
kept the two motorcycles in running position and six persons



entered into the Centre and on the point of pistol, took out Rs.1,45,000/-, Nokia mobile and escaped from the scene, leading to registration of the FIR against unknown. The name of the petitioner sprang up on the confession of co-accused Chintu Rajbhar, witness Radheshyam Singh and Chhepu Singh whose statements have been recorded in paragraph nos.73 and 74 of the case diary, as the person who was fleeing away from the spot.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up on the statement of co-accused as the person who was fleeing away from the spot. It is further submitted that petitioner has not been put on Test Identification Parade and the investigation has already been concluded. The petitioner is accused in one other case in which prayer of the petitioner for bail has been rejected. It is also submitted that co-accused Chintu Kumar @ Chintu Rajbhar has been granted bail by a bench of this Court vide order dated 16.05.2019 passed in Cr.Misc.No.32550 of 2019, as contained in Annexure-2.

Learned APP submits that the petitioner's name sprang up during investigation as the person who was fleeing away from the scene and that chargesheet has been submitted under



Section 395 of the IPC.

Considering the fact that there is no recovery from the petitioner nor the learned APP has controverted the stand of the petitioner that till date he has not been put on Test Identification Parade, 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, Buxar in connection with Buxar (Muffasil) P.S.Case No.360 of 2018.

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.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Buxar 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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