

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7868 of 2020

Arising Out of PS. Case No.-39 Year-2019 Thana- BARAUNI RAIL P.S. District- Begusarai

Manoj Kumar Mohit, Son of Sri Banarasi Chaudhary, Resident of Village -
Noorjamapur, ward no. 6, P.S.- Balia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Sandip Kumar Gautam, learned counsel for the petitioner and Mr. Satyendra Prasad, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 328, 379 and 307 of the Indian Penal Code.

The prosecution case, as per the fardbeyan of Niru Kumari recorded by A.S.I., Poonam Devi on 27.03.2019 at 8.00 P.M. at Harsh Nursing Home, is to the effect that she is posted as Assistant Professor in Bharti Agriculture College, Saharsa. On 27.03.2019, while commuting to the place of employment by train, two persons came and offered tea to the informant,



whereupon, she took tea. Consequently, the informant got unconscious in the train and thereafter, the said persons took away the mobile phone. Subsequently, the FIR was lodged against two unknown, aged between 50-55 years. The name of the petitioner sprang up during investigation when it was found that the sim card of the robbed mobile was being used in the mobile of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is aged about 31 years when the accusation of robbing the informant's mobile is against the persons aged about 50-55 years. The investigation has already been concluded. Moreover, neither there is any recovery from the possession of the petitioner nor the petitioner has been put on T.I. Parade till date. The petitioner is languishing in custody since 04.12.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the sim card of the robbed mobile was found used in the mobile of the petitioner.

Considering the fact that there is specific accusation of robbing mobile is against the persons aged about 50-55 years, whereas the petitioner is not even 40 years old,



investigation has already been concluded but the petitioner has not been put on T.I. Parade and statement being made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, 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 Railway Judicial Magistrate, Barauni, Begusarai in connection with Rail Barauni P.S. Case No. 39 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 upon 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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Barauni, Begusarai in connection with Rail Barauni P.S. Case No. 39 of 2019.



The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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