

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6450 of 2020

Arising Out of PS. Case No.-222 Year-2019 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Aman Kumar Jha Son of Shiv Nandan Jha Resident of Village - Dhakjhari,
P.S.- Arer, Dist.- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ugranath Mallik, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-05-2020 The matter has been listed today for consideration
through Video Conferencing in view of the Nationwide
Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner seeks bail in L.N.M.U. P.S. case No.
222 of 2019 instituted for the offence under Section 392 of the
IPC.

3-4 unknown persons are said to have looted the



informant while he was moving on his motorcycle. The informant's bag containing Rs. 3,000/-, some documents as well as his motorcycle has been looted by the 3-4 unknown miscreants. The petitioner's name has surfaced in the instant case on the statement of co-accused Karan Kumar Thakur.

The allegation is that the looted motorcycle has been recovered from the possession of the petitioner as per the investigation in the case diary.

It is submitted by the petitioner counsel that it is a case of false implication. Other than the statement of co-accused and his own confessional statement taken under duress, there is nothing to connect the petitioner with the occurrence. The petitioner's counsel denies recovery of motorcycle from petitioner's possession. It is submitted that the petitioner is in custody since 29.11.2019. Co-accused Karan Kumar Thakur, who has implicated the petitioner, is already on bail as per order passed in B.P. No. 572 of 2019, which has been taken note of by the Court below in the order of the rejection dated 21.01.2020.

The learned counsel for the State opposed the prayer for bail by submitting that petitioner has two criminal antecedents and the recovery of motorcycle is attributed to the



petitioner.

Considering the rival submissions and taking note of the submissions that petitioner is on bail in the other two cases pending against him since before, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, VI, Darbhanga**, in connection with **Town P.S. case no. 222 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended



and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned **Additional Chief Judicial Magistrate, VI, Darbhanga**, and the competent authority of the State in terms of clause (4) i of Notice II published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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