

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9023 of 2020

Arising Out of PS. Case No.-177 Year-2019 Thana- DANAPUR District- Patna

SANDIP KUMAR @ SANDEEP KUMAR @ SANDEEP KUMAR YADAV
Son of Shivanath Yadav Resident of Village - Reganiyadeeh, P.S. Sigori,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1
For the Opposite Party/s : Mr.Jagdhari Prasad

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 custody since

03.03.2019 in a case registered for the offence

punishable under Section 414 of the Indian Penal Code

and Sections 25(1-B)a, 26 and 35 of the Arms Act.

It appears that vide order dated 03.03.2020, a

report with regard to the stage of the trial was called for

by a Co-ordinate bench of the Court, the office notes

dated 29.05.2020 reflects that the report with regard to



the stage of the trial is not received in view of the fact that the Court proceeding is not functional in physical mode due to extraordinary circumstance created by the present Pandemic COVID-19, hence the matter is being heard on the joint prayer of the parties, on the basis of materials available on the record.

The prosecution case as per the written report of Satish Kumar Singh, Assistant Sub-Inspector of Police to the S.H.O., Danapur is to the fact that on 03.03.2019, when the informant along with other police personnel were on morning patrolling, he received an information that cash and mobile phone of one Amarjeet Kumar have been snatched by three scooty borne persons. Subsequently, the informant reached at the place of occurrence and inquired from Amarjeet Kumar who conveyed that his mobile and rupees four hundreds were snatched by three persons travelling on scooty. Thereafter, three persons were located standing nearby with the scooty at a place who were identified by



Amarjeet. On seeing the police, all of them started fleeing away and two persons managed to escape from the scene when one person was apprehended who disclosed his name as Sandeep Kumar, the petitioner and he also disclosed the name of the other two persons as co-accused Majhal @ Lav and Kallu and from the possession of the petitioner, one country made pistol, one live cartridge and one mobile phone were recovered.

It is submitted by learned counsel for the petitioner that only on basis of suspicion, the petitioner has been roped in the present case. Neither the alleged money nor the mobile phone of the informant was recovered from the possession of the petitioner and he has falsely been framed in the present case. It is further submitted that neither the recovered mobile phone nor the petitioner has been put on T.I. Parade and investigation has already been concluded. It is further submitted that co-accused Kallu @ Vikash Kumar and Manjhal @ Lav have been granted bail by Co-ordinate



benches of this Court vide Cr. Misc. Nos. 85052 of 2019 and 44464 of 2019 respectively.

Learned A.P.P. submits that petitioner was apprehended near the place of occurrence and one country made pistol and live cartridge were recovered from the possession of the petitioner.

Considering the fact that petitioner was not put on test identification parade and this fact has not been controverted by the learned A.P.P. and investigation being concluded, 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 Additional Chief Judicial Magistrate, I, Danapur in connection with Danapur P.S. Case No. 177 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 Additional Chief Judicial Magistrate, Danapur in connection with Danapur P.S. Case No. 177 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)

Shageer/saif

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