

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7861 of 2020**

Arising Out of PS. Case No.-491 Year-2019 Thana- KORHA District- Katihar

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BADAL HUSSAIN @ BADAL HUSAIN S/o Late Nursed Ali Resident of  
Village- Simariya, Daroga Tola, P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                       |
|--------------------------|---|-----------------------|
| For the Petitioner/s     | : | Mr. Bhola Prasad      |
|                          |   | Mr. Mukesh Kumar Jha  |
| For the Opposite Party/s | : | Mr. J. N. Thakur, APP |

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

3      02-06-2020                      Heard learned counsel for the petitioner and the State.

The matter has been taken up through virtual Court proceeding.

The petitioner is languishing in jail since 30.11.2019 in a case registered for the offences punishable under Sections 399 and 402 of the IPC and Sections 25(1-B) a, 26 and 35 of the Arms Act.

The prosecution case, as per the self statement of SI Ravindra Kumar, SHO, Korha Police Station, is to the effect that on 29.11.2019, while the informant was on patrolling duty, he received a secret information that on the farm house of co-accused Tanvir Alam, certain miscreants are preparing for committing dacoity. Consequently, a raid was laid and five persons



including the petitioner were apprehended. It is alleged that from the possession of the petitioner, one mobile phone was recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been made accused and arrested. It is further submitted that no material has been seized suggesting that the petitioner was among the other accused persons preparing for committing dacoity. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The investigation has already been concluded.

Learned APP submits that on secret information, a raid was laid on receipt of information that miscreants are preparing to commit dacoity, leading to arrest of miscreants including the petitioner.

Considering the fact that no incriminating article has been recovered from the possession of the petitioner, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, the investigation has been concluded and the period in custody, 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, Katihar in connection with Korha P.S. Case No. 491 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.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned learned CJM, Katihar in connection with Korha P.S. Case No. 491 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 lock down is not over in three months.

**(Dinesh Kumar Singh, J)**

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