

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7202 of 2020

Arising Out of PS. Case No.-22 Year-2018 Thana- MAHINDWARA District- Sitamarhi

Manish Kumar @ Manish @ Monu Kapad @ Monu Kapar Son of Sri Subodh Kapar Resident of Village - Manik Chowk, P.S.- Runnisaidpur, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2020 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 15.11.2019 in a case registered for the offences punishable under Sections 386, 387/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Sanjay Kumar Sharma submitted to the SHO, Mahindwara Police Station, is to the effect that informant



is a partner in M/S Construction which is engaged in constructing roads. On 19.12.2018 at 8:58 am an extortion call was received, when one Saroj Rai demanded 10% of the construction amount. It is further alleged that on 24.12.2018, four persons came on two motorcycles at the the site of the informant quarrelled with labourers, snatched their mobile phones and resorted to firing in the air, leading to registration of the present F.I.R against the person from whose mobile phone extortion call was made and four unknown persons.

It is submitted by learnt counsel for the petitioner that the alleged mobile phone does not belong to the petitioner. The petitioner has not been put on TIP till date and the investigation has already been concluded.

Though the petitioner is accused in one other case in which he is on bail, but after registration of the present case, the petitioner has also been made accused



in one other case.

Learned APP submits that the complicity of the petitioner sprang up during investigation on confession of one Rajesh. However, he does not controvert this fact that petitioner has not been put on the T.I.P and investigation has already been concluded.

It appears that vide order dated 06.02.2020, the case diary as well as criminal antecedent report of the petitioner were called for.

The office note dated 30.05.2020 reflects that instead of original case diary, supplementary case diary has been transmitted to this Court which reflects the callous manner in which the office of A.C.J.M., IV, Sitamarhi is functioning. Though the criminal antecedent report of the petitioner is on record.

Considering the nature of acquisition and the 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, IV, Sitamarhi in connection with Mahindwara P.S. Case No. 22 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IV, Sitamarhi in connection with Mahindwara P.S. Case No. 22 of 2018 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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