

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9075 of 2020

Arising Out of PS. Case No.-288 Year-2019 Thana- MUSAHARI District- Muzaffarpur

Badal Kumar, S/o Vishwa Mohan Sah, R/o village- Baikatpur, P.S.-
Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Ravi Ranjan, learned counsel for the petitioner and Mr. Amit Kumar Rakesh, 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 414, 401, 467, 468, 420, 471 and 120B of the Indian Penal Code.

The prosecution case, as per the self statement of Dharmendra Kumar, Sub-Inspector -cum- Station House Officer, Mushahari Police Station recorded on 09.12.2019 at 12.20 P.M., is to the effect that on the same day at 6.10 A.M., the informant along with armed forces proceeded for patrolling,



in the meantime, the informant received secret information that near the Baikatpur canal bridge, five persons have assembled and are selling stolen motorcycle. Consequently, a raid was laid and four persons were apprehended and from their possession, motorcycles and other articles were recovered. From the possession of petitioner, one Glamour red coloured stolen motorcycle and one master key, used to breaking lock and one Samsung mobile phone were recovered. Similar recoveries were made from other co-accused persons also.

It is submitted by learned counsel for the petitioner that the police has falsely framed the petitioner in the present case and he has not been made accused in any other case. The petitioner is in custody since 10.12.2019 and investigation has already been concluded. 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 stolen motorcycle has been recovered from the possession of the petitioner.

Considering the fact that the investigation has already been concluded, period under custody 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 Additional Chief Judicial Magistrate VIth, Muzaffarpur in connection with Mushahari P.S. Case No. 288 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 Additional Chief Judicial Magistrate VIth, Muzaffarpur in connection with Mushahari P.S. Case No. 288 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)

DKS/-

U		T	
---	--	---	--

