

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.14144 of 2020

Arising Out of PS. Case No.-254 Year-2019 Thana- SIWAN RAIL P.S. District- Saran

Bittu @ Katas @ Katus @ Biththu @ Kathas Son of Sarawan Mahto @
Shrawan Mahto Resident of Village - Purani Chatti, P.S.- Ekma, Distt -
Chapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in custody since



08.12.2019 in a case registered for the offences punishable under Sections 379, 411, 34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Meena Devi, submitted to the S.H.O, Siwan Police Station is to the effect that on 07.12.2019, the informant was travelling with her daughter to Siwan by a train, but as soon as the victim reached near the place of destination, she found that lock of the bag was broken. The informant suspected on petitioner, who was sitting just beside the informant. Subsequently, with the help of G.R.P/R.P.F, the stolen articles including ornaments of the informant were recovered from the possession of the petitioner, leading to the registration of the case.

Learned counsel for the petitioner submits that only on the basis of suspicion, the petitioner has been roped in the present case. Moreover, the investigation has already been concluded.



A statement has been made in para 3 of the petition that petitioner is not having any criminal antecedent.

Learned A.P.P. submits that petitioner was caught from the spot and stolen articles have been recovered from the possession of the petitioner.

Considering the fact that investigation has already been concluded and 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 learned Judicial Magistrate, Railway, Sonpur, Chapra, Saran in connection with Siwan Rail P.S. Case No. 254 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 Judicial Magistrate, Railway, Sonpur, Chapra, Saran in connection with Siwan Rail P.S. Case No. 254 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.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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