

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12975 of 2020

Arising Out of PS. Case No.-342 Year-2019 Thana- GAIGHAT District- Muzaffarpur

SHYAMBABU KUMAR S/o Kailash Singh Resident of Village- Baijnathpur,
P.S.- Ahiyapur, Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned APP for the State.

Petitioner seeks bail in Gaighat PS Case No. 342 of 2019 registered under Section 395 of the IPC.

The FIR alleges that the informant was carrying Rs. 2.5 lakh from the Fish Market. Four persons are alleged to have taken money from him by brandishing pistol and knife.

Learned Counsel for the petitioner submits that the petitioner is not named in the FIR and was neither apprehended



at the spot. While he was in custody in connection with Ahiyapur PS Case No. 1185 of 2019 he has been remanded in this case on basis of confessional statement of co-accused Atul Kumar. The informant claims that he can identify perpetrators of the crime, the petitioner however has not been put on TI Parade till date. There is no recovery whatsoever to connect the petitioner with the alleged occurrence.

Learned APP has opposed the prayer for bail.

Considering the aforesaid submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM XVth, Muzaffarpur in Gaighatt PS Case No. 342 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the



nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned ACJM XVth Muzaffarpur and the competent authority of the State in terms of clause 3(i) of Notice II published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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