

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20706 of 2020

Arising Out of PS. Case No.-379 Year-2019 Thana- KHAIRA District- Jamui

Prince Kumar @ Prins Kumar Son of Sri Randhir Singh Resident of Village-
Milki (Bariyarpur), P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-
functional 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 18.12.2019 in a case registered for the offences punishable under Sections 419, 420, 467, 468, 120B, 471, 34 of the Indian Penal Code, 1860 and Section 67 of the Information Technology Act, 2000.

The prosecution case as per the written report of Branch Manager, State Bank of India, Gopalpur, submitted to the S.H.O, Khaira Police Station is to the effect that that on 13.12.2019, the informant was informed that operation of the bank account of the petitioner appears suspicious and hence, the bank account was kept on hold. It is alleged that on 16.12.2019 at 1:00 P.M., the petitioner came to the bank and wanted to get the mobile number changed and when he was asked as to why all the transactions of the said account were being done through online mode, the petitioner started fleeing away and subsequently he was detained and thereafter police was informed.



Learned counsel for the petitioner submits that in fact from the bank account of the petitioner, fraudulently the amount was being withdrawn by one Bunt Kumar @ Surya Kumar who has been granted bail and even if assuming the accusation to be true that the petitioner tried to get his mobile phone number changed from the records of bank account, no offence is made out against the petitioner and the investigation has already been concluded. The petitioner is not having any criminal antecedent, statement to that effect has been made in para. 3 of the petition.

Learned A.P.P. submits that petitioner used his bank account number for fraudulently transferring of the money from one account to another account.

Considering the nature of accusation and the fact that 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 Chief



Judicial Magistrate, Jamui in connection with Khaira P.S.
Case No. 379 of 2019, G.R. No. 3620 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 Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 379 of 2019, G.R. No. 3620 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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