

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20256 of 2020

Arising Out of PS. Case No.-375 Year-2018 Thana- DURGAWATI District- Kaimur (Bhabua)

SITI FARUKI @ SITTU FARUKI Son of Late Asif Faruki Resident of
Village- Saiyad Raj, P.S.- Saiyadraja, District- Chandauli (U.P.).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 09-09-2020 The court proceeding has been conducted through
virtual mode.

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virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 356, 379,



395 and 412 of the IPC.

The prosecution case, as per the written report of Abhimanyu Kumar, submitted to the S.H.O., Durgawati Police Station is to the effect that on 01.11.2018, the informant, being the staff of a financial company along with the other employee of the said company was carrying the collected money when on the way two miscreants came by a motorcycle and robbed the alleged money, PAN card, ATM card and Bio-metric machine of the informant, leading to registration of the present case against unknown. The name of the petitioner sprang up during investigation when six accused persons were apprehended in Mohaniya P.S. Case No. 628 of 2018, where they confessed that the petitioner was also the accomplice in commission of offence in both the cases.

Learned counsel for the petitioner submits that except the confession of apprehended co-accused person, there is no cogent material against the petitioner to corroborate the accusation. In fact, as per the confession of apprehended co-accused persons, altogether seven accused persons participated in the alleged offence when the FIR suggests that only two miscreants robbed the informant. Moreover, no recovery has been made from the conscious physical possession



of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, in which he is on bail.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of apprehended co-accused persons.

Considering the fact that the name of the petitioner sprang up on the confession of apprehended co-accused persons, which is not being corroborated by the accusation made in the FIR and no recovery has been made from the conscious physical possession of the petitioner, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of four months, in the event of arrest or surrender before the learned court below within a period of six weeks, on furnishing one surety to the satisfaction of the learned CJM, Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 375 of 2018, subject to the condition as laid down Under Section 438 of the Cr. P.C.

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 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 anticipatory bail of the petitioner will be confirmed by the learned Court below within four months, if the petitioner will appear regularly before the learned trial court, 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 learned CJM, Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 375 of 2018.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next four months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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