

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20286 of 2020

Arising Out of PS. Case No.-83 Year-2019 Thana- JADOPUR District- Gopalganj

Sagar Kumar Son of Sanjay Singh Resident of Village - Mohabat Karmauni,
P.S.- Kuchaikote, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2020 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 09.09.2019 in a case registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case as per the written report of Shashi Ranjan Pandey, submitted to the S.H.O, Yadopur Police Station is to the effect that on 21.08.2019 in the evening, when the informant and his friend Firoz Alam were coming from Gopalganj to their home town, as soon as they reached near an over-bridge at 8:00 P.M., six unknown accused persons overtook their motorcycle by a car and four persons came out from the car and on gun point, they robbed off cash amount of Rs. 6000/-, mobile phone, Aadhar Card, Pan Card, ATM cards and other documents from the informant. They also took out the keys of the motorcycle on which informant along with other were travelling. The accused persons also robbed off cash amount of Rs. 2000/- and mobile phone of the friend of the informant,



leading to registration of the F.I.R against six unknown persons. The name of the petitioner sprang up when the petitioner was apprehended in another case and recovery of the articles were also made from his possession. The name of the petitioner further transpired in the confessional statement of co-accused Bittu Kumar.

Learned counsel for the petitioner submits that in the impugned order, it has inadvertently been recorded that petitioner was apprehended from the spot. If the petitioner was apprehended from the spot, there was no reason of registering the F.I.R against unknown. In fact, petitioner was apprehended in another case. It is further submitted that neither any recovery has been made from the possession of the petitioner nor the petitioner has been put on T.I. parade. Moreover, similarly situated co-accused Deepak Kumar has already been granted bail by a Co-ordinate bench of this Court vide order dated 21.01.2020 passed in Cr. Misc. No. 4430 of 2020 and the investigation has already been



concluded.

Learned A.P.P. submits that name of the petitioner has transpired during investigation on the basis of confessional statement of co-accused Bittu Kumar.

Considering the fact that investigation has been concluded without putting the petitioner on T.I. parade when the informant claims to have identified the accused persons, 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, 1st Class, Gopalganj in connection with Yadopur P.S. Case No. 83 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, 1st, Class, Gopalganj in connection with Yadopur P.S. Case No. 83 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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