

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19758 of 2020

Arising Out of PS. Case No.-448 Year-2019 Thana- TURKAULIYA District- East
Champaran

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Rakesh Sahani S/o Bhuti Sahani R/o village- Raghunathpur, P.S.-
Raghunathpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2020 The matter has been taken up through virtual Court
proceeding.

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

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner is apprehending arrest in a case



registered for the offences punishable under Sections 413 and 414/34 of the Indian Penal Code.

The prosecution case, as per the self statement of S.I., Sandeep Kumar recorded on 06.07.2019, is to the effect that a confidential information was received that one Vivek Paswan has kept stolen motorcycle in his house, consequently, a raid was laid and co-accused Vivek Paswan was apprehended, who suggested the name of the petitioner and others, who were indulged in the alleged occurrence.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner and except confession of co-accused Vivek Paswan, there is no cogent material against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confession of co-accused Vivek Paswan.

Considering the fact that the name of the petitioner sprang up on the confession of co-accused Vivek Paswan and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the



petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 448 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 anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 448 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to



further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

However, since the investigation is pending against the petitioner, the learned Court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner fails to cooperate in investigation.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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