

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20028 of 2020**

Arising Out of PS. Case No.-252 Year-2015 Thana- JOKIHAT District- Araria

Md. Arif Alam @ Rinku Son of Malaiddin Resident of Village - Chakai, P.S.-
Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Ram Naresh Ray

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 26-06-2020 The matter has been taken up through virtual

Court proceeding.

The matter has been listed with defects. But

due to the non-functioning of the physical Court

proceedings, the defects could not be removed.

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, the

office will 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 06.01.2020 in a case registered for the offence punishable under Sections 379, 420 of the Indian Penal Code.

The prosecution case as per the written report of Md. Jamiluddin, submitted to the S.H.O, Jokihat Police Station is to the effect that on 08.09.2015 at 11:15 P.M. the informant went to withdraw money through his ATM card in S.B.I ATM situated at Jokihat. The informant inserted his ATM card but it could not be inserted properly. Two persons standing behind him helped him in withdrawal of rupees five thousands. However, when the informant came out from the ATM, he found that his ATM card has been replaced by another ATM card. The informant thereafter went to his bank and updated his passbook which showed that rupees sixty five thousands have been fraudulently withdrawn from his account.

The petitioner was apprehended in another case and in that case, his confession was recorded when he



admitted to have committed the offence in the present case.

Learned counsel for the petitioner submits that on the basis of forged confession, the petitioner has been roped in the present case.

The petitioner has been made accused in five other cases of similar nature, in which he is on bail. A statement to that effect has been made in para 3 of the petition. There is no recovery from the petitioner nor the petitioner has been put on test identification parade. A statement to that effect has been made in par 7 and 8 of the petition.

Learned counsel for the State submits that petitioner has confessed his guilt.

Considering the fact that investigation has already been concluded and the petitioner has not been put on test identification parade, 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, Araria in connection with Jokihat P.S. Case No. 252 of 2015.

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, Araria in connection with Jokihat P.S. Case No. 252 of 2015 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 application is disposed of.

(Dinesh Kumar Singh, J)

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