

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20842 of 2020

Arising Out of PS. Case No.-404 Year-2019 Thana- KOTWALI District- Patna

MD. SABBIR @ MD. SHABBIR S/o Salim Resident of Lal Miyan Ki
Dargah, Munir Colony, P.S.- Phulwari Sharif, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-08-2020 The court proceeding has been conducted through
virtual mode.

Since the Court proceeding in physical mode is not
functional due to the present pandemic, Covid-19, the matter
has been listed with defects.

Learned counsel for the petitioners undertakes to
remove the defects within a period of three weeks on
resumption of physical court proceeding.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
Bench.



The petitioner is languishing in custody since 23.07.2019 in a case registered for the offences punishable under Sections 392, 411, 413 and 120B of the IPC.

The prosecution case, as per the written report of Md. Iqbal Miyan, submitted to the Station House Officer, Patna Kotwali Police Station is to the effect that on 05.05.2019, the informant was driving the Scorpio vehicle of his owner, Mahadeo Rajak. In the vehicle, nephew of his owner's friend, namely, Gaurav Sharma was travelling. In the night, he stayed in a hotel near Patna Railway Station. On 06.05.2019 at about 5.30 A.M., when the informant was sleeping in the vehicle, three persons, concealing their face, came and robbed the mobile phone of the informant and the Scorpio vehicle, leading to registration of FIR against unknown persons. The name of the petitioner sprang up during investigation on the confession of co-accused Vikash Kumar.

It is submitted by learned counsel for the petitioner that no recovery has been made from the conscious physical possession of the petitioner and the petitioner has not been put on T.I. Parade. The investigation has already been concluded and in the present prevalent situation, created due to pandemic, Covid-19, since the court proceeding in physical mode is not



functional, there is no likelihood of trial being concluded in near future. Moreover, co-accused, Vikash Kumar, on whose confession, name of the petitioner sprang up, has been granted bail by a Co-ordinate bench of this Court, vide order dated 19.03.2020, passed in Cr. Misc. No. 65031 of 2019 and similarly situated co-accused persons, Bablu Kumar, Rohit and Pankaj Kumar, whose names also sprang up during investigation, have been granted bail by different Co-ordinate benches of this Court, vide order dated 04.12.2019, 18.01.2020 and 24.01.2020, passed in Cr. Misc. Nos. 67718 of 2019, 380 of 2020 and 2877 of 2020, respectively. A statement has been made in paragraph no.3 of the petitioner that the petitioner is accused in 11 cases, out of which, he is on bail in five cases and in most of the cases, the name of the petitioner sprang up during investigation on the basis of suspicion.

Learned counsel for the state submits that the name of the petitioner sprang up during investigation and he is having serious criminal antecedent.

Considering the fact that there is no material on record to suggest that any recovery has been made from the conscious physical possession of the petitioner and he has not been put on T.I. Parade, coupled with the fact that co-accused



person, on whose confession, name of the petitioner sprang up and other similarly situated co-accused persons have been granted bail by different Co-ordinate benches of this Court, 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 the learned Sub-Judge-IX-cum-A.C.J.M., Patna, in connection with Kotwali P.S. Case No. 404 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 a period of three months 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 the learned Sub-Judge-IX-cum-A.C.J.M., Patna, in connection with Kotwali P.S. Case No. 404 of 2019.

The learned Court below will be at liberty to extend



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

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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