

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20231 of 2020

Arising Out of PS. Case No.-38 Year-2013 Thana- PARSABAZAR District- Patna

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Ram Bachan Prasad @ Ram Bachan Jee Son of Late Khanu Prasad Resident
of Village - Kharjama, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha
For the Opposite Party/s : Mr.Rajeev Nayan(App.231)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2020 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 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
the office will place the matter before the bench.

The petitioner is languishing in custody since
07.01.2020 in a case registered for the offences punishable
under Section 396 of the Indian Penal Code and Section 27 of
the Arms Act, hence, the prayer for bail has been made through



the present application.

The prosecution case, as per the fardbeyan of Kiran Devi recorded by S.I., Mukesh Chandra Kumar, S.H.O., Parsa Bazar Police Station on 07.03.2013 at 5.00 A.M., is to the effect that on same day at 12.15 A.M., five accused persons entered into the house of the informant, committed dacoity and one of them resorted to fire, as a result, the husband of the informant died, leading to registration of the case against 4-5 unknown. The name of the petitioner sprang up during investigation on the confession of co-accused.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner and investigation has already been concluded. It is further submitted that similarly situated co-accused Amarjeet Kumar has been granted bail by Co-ordinate bench of this Court vide order dated 18.12.2018 passed in Cr. Misc. No. 76263 of 2018. The order has been brought on record as Annexure-2. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of the co-accused who confessed that he along with the petitioner participated in



the commission of the offence.

Considering the fact that the investigation has already been concluded, there is neither any recovery from the possession of the petitioner nor the petitioner has been put on T.I. Parade and similarly situated co-accused has been granted bail by a Co-ordinate bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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-VIII -cum-A.C.J.M., Patna in connection with Parsa Bazar P.S. Case No. 38 of 2013.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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.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-VIII -cum- A.C.J.M., Patna in connection with Parsa Bazar P.S. Case No. 38 of 2013.

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

However, keeping in view the fact that the case was registered in 2013 and the petitioner was only arrested/surrendered in 2020, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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