

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20322 of 2020**

Arising Out of PS. Case No.-200 Year-2019 Thana- RAJAPAKAR District- Vaishali

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SUNIL KUMAR @ SUNIL RAI Son of Lalbabu Ray Resident of Village -
Teliya Banarasi Chowk, P.S.- Rajapakar, Distt - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachin Kumar
For the Opposite Party/s : Mr.Binod Kumar

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

2 10-07-2020 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 apprehending his arrest in a case registered for the offences punishable under Sections 414, 34 of the Indian Penal Code, 1860.

The prosecution case as per the self statement of Kalamuddin, S.I.-cum-S.H.O, Rajapakar Police Station recorded on 20.08.2019 at 11:30 A.M is to the effect that on the basis of confessional statement given by co-accused Anil Rai in Rajapakar P.S. Case No. 199 of 2019 on 28.08.2019, raid was laid in the houses of Sandeep Rai, Ratnesh Rai, Rajnikant, Rahul Kumar and the joint houses of the petitioner and his brother Anil Rai, leading to registration of the present case.

Learned counsel for the petitioner submits that Rajapakar P.S. Case No. 199 of 2019 was registered under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B) a, 26 and 35 of the Arms Act



wherein on the information that the miscreants are planning to commit dacoity, raid was laid, leading to arrest of Sandeep Rai, Rahul Kumar, Anil Rai, Uday Kumar and from one of them, arms were recovered. The apprehended accused persons disclosed the names of five persons who escaped from the scene as Sunil Rai, son of Jwala Singh, Ratnesh Rai, Sunil Rai, son of Lal Babu Rai, the petitioner and Ratnesh Rai. Learned counsel for the petitioner further submits that the offence under Section 414 I.P.C is made out only where nobody voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. The recovery from the joint family house of the petitioner is some toffee and cookies. There is no accusation in Rajapakar P.S. Case No. 199 of 2019 of committing any theft or dacoity. Since brother of the



petitioner is a criminal, hence on his statement, the petitioner has been roped in three cases and even assuming the kind of recovery, no offence under Section 414 I.P.C is made out against the petitioner as the case was registered in pursuance to Rajapakar P.S. Case No. 199 of 2019 which was not registered for committing theft.

Considering the nature of recovery and the name of the petitioner being sprang up on the statement of co-accused persons, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Additional Chief Judicial Magistrate, XIII-cum-Sub Judge-XIV, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 200 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

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 thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIII-cum-Sub Judge-XIV, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 200 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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