

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20349 of 2020**

Arising Out of PS. Case No.-3 Year-2019 Thana- BARAUNI RAIL P.S. District- Begusarai

BIHARI MAHTO @ NETAHWA @ BIHARI KUMAR S/o Uday Mahto
Resident of Village-Simariya Ghat Bind Toli, P.S.-Barauni, District-
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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

2 01-07-2020 The matter has been taken up through virtual Court proceeding.

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

Learned counsel for the petitioner undertakes to remove the defect/s within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defect/s within the undertaken period, the office will place the matter before the bench.

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



The petitioner has preferred the present application for grant of bail in a case registered for the offence punishable under Section 379 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Indu Singh submitted before the Barauni G.R.P., is to the effect that on 05.06.2018 while the informant was travelling along with her two children in a train, theft was committed of her bags, containing Rs.5000/- cash, ATM card, jewellery and other documents, leading to registration of FIR against unknown. Subsequently, the name of the petitioner surfaced on the basis of the C.D.R. and the statement of the informant. Thereafter, the house of the petitioner was raided, but nothing was recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. Though the FIR has been registered against unknown, but the name of the petitioner surfaced on the basis of information contained in C.D.R. and C.A.F. as well as on the basis of the statement of the women during interrogation, but the statement of the said women have not been reduced into writing by the investigating officer. Neither there is any recovery from the possession of the petitioner nor the petitioner



has been put on Test Identification Parade. The petitioner is languishing in custody since 19.03.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in two other cases, but he has been granted bail in those cases.

Learned APP for the State submits that the name of the petitioner sprang up during investigation.

Considering the nature of accusation, neither there is any recovery from the possession of the petitioner nor the petitioner has been put on Test Identification Parade, the investigation already being concluded, 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 Railway Judicial Magistrate, Barauni, Begusarai, in connection with Barauni Rail P.S. Case No. 3 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 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 Railway Judicial Magistrate, Barauni, Begusarai, in connection with Barauni Rail P.S. Case No. 3 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 stands disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

