

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20687 of 2020**

Arising Out of PS. Case No.-298 Year-2019 Thana- DESARI District- Vaishali

=====

Ravi Raj @ Ravi Kumar Son of Manoj Rai Resident of Village - Lakhanpur,
P.S.- Desari, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha-1, APP

=====

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

2 03-07-2020 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 14.12.2019 in a case registered for the offence punishable under Section 395 of the Indian Penal Code, hence, the prayer for bail



has been made through the present application.

The prosecution case, as per the written report of Devendra Prasad Jaiswal submitted to the Station House Officer, Desari Police Station, is to the effect that on 27.08.2019 at 7.30 to 8.15 P.M., 10-15 miscreants entered into the house of the informant and they overpowered the wife, brother's wife and niece of the informant and locked them in a room and thereafter, after breaking the godrej almirah, they took out jewellery worth Rs. Five lakhs, other articles worth Rs.Fifty thousand and cash of Rs.30,000/- and escaped from the scene, leading to registration of the FIR against unknown. The name of the petitioner sprang up during investigation on the confession of co-accused Ritesh Kumar.

It is submitted by learned counsel for the petitioner that except the confession of the co-accused there is no material collected during investigation against the petitioner. There is no recovery from the possession of the petitioner, statement to that effect has been made in paragraph 9 of the petition and the petitioner has not been put on T.I. Parade, statement to that effect has been made in paragraph 11 of the petition. The investigation has already been concluded and 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 co-accused.

Considering the fact that the petitioner has not been put on T.I. Parade, the investigation has already been concluded and 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No. 298 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 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No. 298 of 2019.

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.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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

