

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20293 of 2020

Arising Out of PS. Case No.-93 Year-2017 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Ram Pravesh Sahni S/o Hare Kishun Sahni R/o village- Siripur, P.S.
Cheriyabariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Advocate
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-08-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since



18.11.2019 in a case registered for the offences punishable under Section 394 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 written report of Shailendra Kumar submitted to the Station House Officer, Cheriabariyarpur Police Station, is to the effect that the informant being Manager of a Financial Company received information that on 16.06.2017 his staff Shankar Chaurasia has been shot at. Consequently, the staff was taken to the hospital and on enquiry he suggested that while he was coming on motorcycle after collecting money, four unknown persons shot at him and they robbed the mobile, motorcycle and cash amount of Rs.1,49,355/-, leading to registration of the case against unknown. The name of the petitioner sprang up on the confession of co-accused Ajay Sahni.

It is submitted by learned counsel for the petitioner that neither there is any recovery from the petitioner nor the petitioner has been put on T.I. Parade, though the petitioner is languishing in custody since 18.11.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one another case in which he is on bail.



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 name of the petitioner sprang up on the confession of co-accused, there is no recovery from the petitioner and above all the investigation has been concluded without putting the petitioner on T.I. Parade, 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 A.C.J.M., Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 93 of 2017.

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
A.C.J.M., Manjhaul, Begusarai in connection with Cheriya
Bariyarpur P.S. Case No. 93 of 2017.

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 stands disposed of.

(Dinesh Kumar Singh, J)

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