

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20760 of 2020

Arising Out of PS. Case No.-493 Year-2019 Thana- BARAUNI District- Begusarai

Rajesh Kumar Son of Om Prakash Sah Resident of Village- Patel Chowk,
P.S.- Town, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2020 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 languishing in custody since 30.11.2019 in a case registered for the offence punishable under Sections 394, 397, 302, 120(B) of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

The prosecution case as per the written report of Santosh Kumar, submitted to the S.H.O, Barauni (Garhara O.P.) Police Station is to the effect that on 12.11.2019 at 7:20 A.M., the informant along with his friend Prince Kumar Soni and staff Abhay Kumar got down from Kath Godam Express train at Barauni junction after purchasing jewellery from Kolkata and left from Barauni Junction to Begusarai by their car, but on way, two motorcycle borne criminals first fired at the driver of the car, namely Deepak Kumar and thereafter made firing upon the informant's friend namely Prince Kumar Soni and the staff Abhay Kumar and on the informant which hit on the right side of the chest of the



informant and the friend of the petitioner Prince Kumar Soni also received gunshot injuries. Thereafter unknown persons robbed the jewellery worth Rs. 2.97 crores from the boot-space of the car and fled away leading to the registration of the F.I.R against two known. Subsequently, the driver of the informant also succumbed to the injuries. The petitioner's name sprang up during investigation and he confessed his guilt.

Learned counsel for the petitioner submits that there is no recovery from the possession of the petitioner nor the petitioner has been put on T.I. parade and investigation has already been concluded. A Statement to that effect has been made in para 9 of the petition which reads as follows:-

“That only on the basis of vague suspicion the police arrested the petitioner but no incriminating material was recovered either from the possession of the petitioner or from his house but although the petitioner is in custody since 30.11.2019 and chargesheet has been submitted, he has not been put on T.I. parade although there are several so called eye witnesses.”

A statement has been made in para 3 of the



petition that petitioner is not having any criminal antecedent.

Learned A.P.P. submits that petitioner confessed his guilt during investigation.

Considering the fact that though petitioner's name transpired during investigation but investigation has been concluded without putting the petitioner on the T.I. parade, no recovery from the petitioner's possession and 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 learned District & Sessions Judge, Begusarai in connection with Barauni (Garhara O.P.) P.S. Case No. 493 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Begusarai in connection with Barauni (Garhara O.P.) P.S. Case No. 493 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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