

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20545 of 2020

Arising Out of PS. Case No.-152 Year-2019 Thana- BIHRA District- Saharsa

ANIL KUMAR Son of Bamshankar Yadav Resident of Village - Bela Bagroli,
P.S.- Bihra, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2020 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 defects, within a period of three weeks of resumption of the court proceeding in physical mode.

In case, non-removal of defects within undertaken period, the office will place the matter again 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 offences punishable under Sections 302, 386,34 of the Indian Penal Code, 1860 and the



chargesheet has been submitted under Section 396 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Pawan Kumar Jha submitted before the S.H.O., Bihra Police Station is to the effect that the brother of the informant used to travel by his bike for his business purpose and 10-12 days prior to the alleged occurrence, he conveyed to the informant that some persons intervened him and co-accused, Golu Kumar threatened and demanded extortion of Rs.50,000/- from the brother of the informant. On 24.08.2019, the brother of the informant proceeded to his house by his bike from Saharsa railway station, but he did not reach there. During search, the dead body of the brother of the informant was found lying in Bihra Police Station, leading to registration of the FIR against co-accused, Golu Kumar and Shrawan Kumar. The petitioner was not named in the FIR, his name sprang up during course of investigation and he made his confession.

It is submitted by learned counsel for the petitioner that neither the petitioner is named in the FIR nor anything has been recovered from his possession. However, on the confession of co-accused person, the petitioner was apprehended and he is alleged to have made confession, but the said confession did not lead to any recovery. The petitioner is languishing in custody after being



remanded in the present case on 23.09.2019 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.

Learned APP for the State submits that the name of the petitioner surfaced during investigation on the basis of confessional statement of co-accused.

Considering the fact that the name of the petitioner sprang up on the basis of confessional statement of co-accused and the investigation has already been 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 CJM, Saharsa, in connection with Bihra P.S. Case No. 152 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 CJM, Saharsa, in connection with Bihra P.S. Case No. 152 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)

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