

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20375 of 2020

Arising Out of PS. Case No.-122 Year-2018 Thana- PALANWA District- East Champaran

SUNDESH KUMAR, S/o Baidhnath Sahani, Resident of Village- Hardiya,
P.S.- Tukauliya (Raghunathpur O.P.), Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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 394 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Raman Shrivastava submitted before the S.H.O., Palanwa Police Station is to the effect that on 03.11.2018, the petitioner, being an employee of a private finance company, after making collection of money from Gurhanwa, Bahudha, Dhanhar Deoli Lakshmipur proceeded to village Kharkatwa, but on the way, Rs,1,01050/- cash, other articles were robbed of by unknown persons, leading to registration of FIR against unknown. During course of investigation, the name of the petitioner sprang up on the basis of confessional statement of co-accused.

It is submitted by learned counsel for the petitioner that neither there is any recovery from the possession of the petitioner nor the petitioner has ever been put on Test Identification Parade. The petitioner is languishing in custody since 17.07.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in six other cases.

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



confessional statement of co-accused.

Considering the fact that the investigation has already been concluded without putting the petitioner on Test Identification Parade, no recovery from the possession of the petitioner, 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 SDJM, East Champaran, Motihari, in connection with Palanwa P.S. Case No. 122 of 2018.

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 SDJM, East Champaran, Motihari, in connection with Palanwa P.S. Case No. 122 of 2018.



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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