

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20368 of 2020

Arising Out of PS. Case No.-204 Year-2019 Thana- SUGAULI District- East Champaran

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SUNDESH KUMAR, Son of Baidhnath Sahani, Resident of Village- Hardiya,
P.S.- Turkauliya (Raghunathpur O.P.), District- 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

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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 379 of the Indian Penal Code.

The prosecution case as per the written report of Vijay Prasad submitted before the S.H.O., Sugauli Police Station is to the effect that on 03.06.2019, the informant parked his motorcycle in the campus of Union Bank of India, Sugauli branch and went in the bank, but after sometime, when he returned back, he found his motorcycle missing, leading to registration of FIR against unknown. Subsequently, the petitioner was arrested in Sugauli P.S. Case No. 235 of 2019, in which, he confessed about his involvement in the present case and disclosed that the stolen motorcycle of the informant has been sold in Nepal.

It is submitted by learned counsel for the petitioner that the confession before the police did not lead to any recovery and apart from the present case, the petitioner is accused in four other cases. The petitioner is languishing in custody since 21.09.2019 and the investigation has already been concluded.



Learned APP for the State submits the petitioner has confessed his guilt.

Considering the nature of accusation, the investigation being already concluded, the fact that the confession made before the police did not lead to any recovery and the said fact not being controverted by learned counsel for the State, 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, East Champaran, Motihari, in connection with Sugauli P.S. Case No. 204 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, East Champaran, Motihari, in connection with Sugauli



P.S. Case No. 204 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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