

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20509 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- UJIYARPUR District- Samastipur

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SHUBHAM KUMAR CHAUDHARY @ SHUBHAM CHAUDHARY @
SHUBHAM KUMAR S/o Late Braj Bhushan Chaudhary R/o village- Chand
Chaur Dih, P.S.- Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Sinha
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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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 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 02.02.2020 in a case registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-B) a, 26, 35 of the Arms Act.

The prosecution case as per the written statement of S.I. Shambhu Nath Singh, submitted to the S.H.O, Ujiarpur Police Station is to the effect that on 27.01.2020 at 4:30 A.M. during patrolling, one Scorpio vehicle without its registration plate was found parked and in which five persons were found sitting in the vehicle in question and on seeing the police, all of them started fleeing away but three persons were apprehended who disclosed their names as Tufani Kumar, Baue Lal Kumar and Gaurav Kumar and they disclosed the name of other two persons who escaped



from the scene as co-accused Ram Babu and Subham Chaudhary, the petitioner. From the possession of the apprehended accused person Tufani Kumar, one loaded country made pistol was recovered and on being asked, no document of the Scorpio vehicle was also produced by them.

It is submitted by learned counsel for the petitioner that petitioner is accused in 13 cases but he is on bail in 4 of them. In the present case, his name appeared on the confession of co-accused person and he was not apprehended from the spot and there is no recovery from the petitioner's possession.

Learned A.P.P. submits that petitioner has serious criminal antecedent and his name sprang up on the confession of apprehended co-accused.

Considering the fact that investigation has already been concluded and there is 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 learned Sub-Divisional Judicial Magistrate, Dalsingsarai, Samastipur in connection with Ujiyarpur P.S. Case No. 20 of 2020.

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 Sub-Divisional Judicial Magistrate, Dalsingsarai, Samastipur in connection with Ujiyarpur P.S. Case No. 20 of 2020 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.

Since petitioner has serious criminal antecedent, learned Court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner defaults for three consecutive occasions during trial.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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