

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20805 of 2020

Arising Out of PS. Case No.-88 Year-2019 Thana- KATIHAR District- Katihar

Sk. Kalam Son of Majid R/O - Bairiya, P.S.- Amdabad, District- Katihar
... .. Petitioner/s

Versus

The State Of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The petitioner is languishing in custody since 31.01.2020 in a case registered for the offence punishable under Section 379 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.



The prosecution case, as per the written report of Rajendra Kumar Das submitted to Station House Officer, Sahayak, is to the effect that on 29.01.2019 the informant parked his motorcycle near the office of Divisional Rail Manager, Katihar but subsequently, he found his motorcycle missing, leading to registration of the FIR against unknown. During investigation, the petitioner was identified by the police in CCTV footage.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. Thereafter, the petitioner has been remanded in three other cases and investigation has already been concluded.

Learned APP for the State submits that the petitioner has been identified by the police in CCTV footage.

Considering the nature of accusation and the fact that the investigation has 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 Chief Judicial Magistrate, Katihar in connection with Katihar Sahayak P.S. Case No. 88 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 upon 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 Chief Judicial Magistrate, Katihar in connection with Katihar Sahayak P.S. Case No. 88 of 2019.

The learned Court below is 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 application is disposed of.

(Dinesh Kumar Singh, J)

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