

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19790 of 2020

Arising Out of PS. Case No.-1086 Year-2018 Thana- SITAMARHI District- Sitamarhi

Sundram Chaudhary Son of Rajeev Chaudhary Resident of Village - Sursand,
P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2020 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, 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 12.06.2019 in a case registered for the offence punishable under Sections 324, 307, 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

The prosecution case as per the fardbeyan of Rajesh Kumar, recorded by S.I., Ashok Kumar, submitted to the S.H.O, Sitamarhi(Town) Police Station on 30.11.2018 at 1:30 P.M. at SKMCH, Muzaffarpur is to the effect that on 29.04.2018, the informant being Manager of BATA company showroom, Sitamarhi, after asking one of his employees, Pankaj Yadav to lock the showroom, went to urinate. In the meantime, two motorcycle borne persons came and enquired from the informant about Bata Gali and fired upon the informant which hit on right elbow and right side lower thigh of the informant and while fleeing away, the accused persons also opened fire in air in front of Dabur shop, leading to registration of F.I.R against unknown persons. During



investigation, the spy conveyed the name of the petitioner as a person who was seen near the place of occurrence and in the confessional statement of co-accused Dhiraj Kumar Jaiswal in connection with Sitamarhi P.S. Case No. 1140 of 2018 confessed about his guilt and the petitioner's involvement in the present case.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the possession of the petitioner nor the petitioner has been put on T.I. parade. The name of the petitioner sprang up on the basis of confessional statement of co-accused Dhiraj Kumar Jaiswal and the investigation has already been concluded.

A statement has been made in para 3 of the petition that petitioner is having criminal antecedents.

Learned A.P.P. submits that petitioner is having a series of criminal antecedent and the accusation suggests that petitioner used to terrorize the people with



oblique motive.

Considering the fact that investigation has already been concluded, petitioner's name sprang up on the basis of confession of co-accused and the petitioner has not been put on T.I. parade, 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 Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 1086 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 1086 of 2018 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.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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