

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20774 of 2020

Arising Out of PS. Case No.-247 Year-2019 Thana- ALOULI District- Khagaria

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Vivek Kumar @ Golu Yadav son of Sanjeev Yadav Resident of Village
-Pirrahi, P.S. - Alauli, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2020 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 29.07.2019 in a case registered for the offence punishable under Section 392 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Deepak Kumar, submitted to the S.H.O, Alauli Police Station is to the effect that on 25.07.2019 at 11:00 A.M., when the informant was going by his motorcycle to his sister in-laws' place situated at Alauli, on the way, two motorcycle borne miscreants robbed off one mobile phone, cash amount of Rs. 7000/- and the motorcycle key of the informant leading to the registration of the present case against unknown. During investigation, the petitioner was arrested in connection Alauli P.S. Case No. 255 of 2019 wherein he confessed his involvement in the present case occurrence also. The petitioner was thereafter, remanded in four other cases including the present case.



It is submitted by learned counsel for the petitioner that in all the cases, petitioner has not been named in the F.I.R and he has been made accused in all the cases on the basis of suspicion. Moreover, neither the petitioner has been put on T.I. parade nor any recovery has been made from his possession and the investigation has already been concluded. Statements to that effect have been made in paragraphs 9 and 10 of the petition which read as follows:-

“9. That, nothing incriminating article has been recovered from the conscious possession of the petitioner or his house. This fact of the case clearly shows the false implication of the petitioner.

10. That, in spite of repeated prayer of the petitioner, the police did not put him on test of identification parade. This fact of the case clearly shows the ill and ulterior motive of investigating officer”.

Learned A.P.P. submits that petitioner confessed his guilt.

Considering the fact that investigation has already been concluded, there is no recovery from the petitioner's possession 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, Khagaria in connection with Alauli P.S. Case No. 247 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 247 of



2019 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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