

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20113 of 2020**

Arising Out of PS. Case No.-218 Year-2018 Thana- MAHESI District- East Champaran

Ramayan Prasad @ Ramayan Prasad Gupta Son of Late Rambilash Prasad
Resident of Village - Ghariari Chak, P.S. - Mehshi, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 26-06-2020 The matter has been listed with defects.

The matter has been taken up through virtual
Court proceeding.

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

The petitioner has renewed the prayer for bail
in a case registered for the offence punishable under Section
395 of the Indian Penal Code, hence, the prayer for bail has
been made through the present application.

The prosecution case, as per the fardbeyan of
Manoj Kumar Soni recorded by S.I.-cum-S.H.O., Vikas
Tiwari, Mehshi P.S. on 24.06.2018 at 11.00 P.M. at Majhan
Chhapra Camp, is to the effect that on the same day, in the
night, 6-7 persons entered into the house of the informant
and committed dacoity of jewellery and other articles,



leading to registration of the case against 6-7 unknown persons. The name of the petitioner sprang up during investigation on the basis of confession of co-accused persons. Subsequently, the petitioner also made confession.

It is submitted by learned counsel for the petitioner that earlier prayer for bail of the petitioner was rejected vide order dated 13.12.2019 passed in Cr. Misc. No. 82926 of 2019 by Co-ordinate bench of this Court (since retired), whereby liberty was given to the petitioner to renew the prayer for bail either of framing of charge or after remaining in custody for six months, whichever is earlier. The relevant portion of the observation reads as follows:-

“However, once the charge has been framed or petitioner remains in custody for six months, whichever is earlier, he is at liberty to renew his prayer for bail.”

In the present case, the petitioner is in custody since 01.10.2019 hence, he has remained in custody for about nine months and the charges have been framed on 27.02.2020. There is no recovery from the possession of the petitioner and investigation has already been concluded and petitioner has not been put on T.I. Parade. Though, the petitioner is accused in one another case but he is on bail in that case.



Learned APP for the State submits that the name of the petitioner sprang up during investigation on the confession of co-accused and petitioner also made confession.

Considering the liberty given by Co-ordinate bench while rejecting the earlier prayer for bail of the petitioner and the fact that investigation has already been concluded without putting the petitioner on T.I. Parade which is not controverted by learned APP, 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 Additional Sessions Judge-24, Motihari, East Champaran in connection with Sessions Trial No. 89 of 2020, arising out of Mehshi P.S. Case No. 218 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 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 Additional Sessions Judge-24, Motihari, East Champaran in connection with Sessions Trial No. 89 of 2020, arising out of Mehshi P.S. Case No. 218 of 2018.

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.

Learned counsel for the petitioner undertakes to remove all the defects within three weeks of resumption of the physical court proceeding and in case of non-removal of the defects, the office may place the matter before the Bench.

(Dinesh Kumar Singh, J)

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