

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20644 of 2020

Arising Out of PS. Case No.-702 Year-2019 Thana- SAHARSA District- Saharsa

ANKIT CHOUDHARY @ ANKIT KUMAR @ BABU CHOUDHARY S/o
Late Pawan Choudhary R/o Village- Lakhni Ward No. 3, P.S.- Maheshi,
District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2020 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, 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 19.11.2019 in a case registered for the offence punishable under Section 392 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Niraj Kumar, recorded by A.S.I., Dhan Bihari Mishra at Sadar Hospital, Saharsa on 03.08.2019 at 11:30 A.M. is to the effect that on 03.08.2019 when the informant was going to his house by his super splendor motorcycle, three motorcycle borne criminals intercepted the informant and robbed the motorcycle and cash of Rs. 5000/-. They also fired upon the informant causing injuries to the informant, leading to registration of the F.I.R against unknown. The name of the petitioner sprang up during investigation on the confession of co-accused persons.

Learned counsel for the petitioner submits that there is no recovery from the petitioner nor the petitioner has been put on T.I. parade. Statements to



that effect have been made in para 8 and 10 of the petition. Though the petitioner is accused in two other cases, but he is on bail in those cases.

Learned A.P.P. submits that name of the petitioner sprang up during investigation.

Considering the fact that petitioner has not been put on T.I. parade and 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 learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 702 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 702 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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