

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20603 of 2020**

Arising Out of PS. Case No.-339 Year-2019 Thana- PALASI District- Araria

MD. RAKIM S/o Md. Rasul Resident of Village- Urlaha, Ward No.06, Near
Bardbatta Road, P.S.- Palasi, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha
For the Opposite Party/s : Mr.Pranav Kumar

**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 is not functional, due to
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within undertaken
period, the office will again place the matter on board.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
09.10.2019, has preferred the present application for grant of



bail in a case registered for the offences punishable under Sections 461, 379 and 411 of the IPC.

The prosecution case, as per the written report of Gajanand Kardar, submitted to the S.H.O., Palasi Police Station is to the effect that the informant runs a tailoring shop. On 07.10.2019 at about 11 A.M., when the informant came to open his shop then he found that the stitching machine, scissor, solar plate, inverter, interlocking machine and other articles were missing. Thereafter, the informant started making enquiry, when one Budhan Ram conveyed that he saw the petitioner taking one sack on his motorcycle toward his house, whereupon the informant went to the house of the petitioner, upon which the petitioner started fleeing away, consequently, the stolen articles were recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that even assuming the accusation, none has seen the commission of theft by the petitioner and the recovery has been made from the joint family house of the petitioner. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that stolen articles were



recovered from the house of the petitioner.

Considering the nature of accusation, period under custody, investigation already being concluded coupled with the statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, 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, Araria in connection with Palasi P.S. Case No. 339 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.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 learned Chief Judicial Magistrate, Araria in connection with Palasi P.S. Case



No. 339 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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