

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20622 of 2020

Arising Out of PS. Case No.-58 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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KUNAL KUMAR S/o Sanjit Singh Ward No. -20, Village- Cheria Bariyarpur,
P.O.- Shreepur, P.S.- Cheria Bariarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Ram Naresh Ray

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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 is expected

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.

None appears on behalf of the petitioner.



However, learned A.P.P. for the State is present.

The petitioner is languishing in custody since 02.02.2020 in a case registered for the offence punishable under Sections 341, 342, 323, 384, 379, 504, 506, 34 of the Indian Penal Code.

The prosecution case as per the written report of Kunal Kumar, submitted to the S.H.O, Bariyarpur Police Station is to the effect that petitioner is an employee of a medical shop at Begusarai. On 0.05.2019 at 6:00 A.M., when the informant was at the shop, three persons namely Sumit Kumar, Kunal Kumar, the petitioner and Raunak Kumar came on motorcycle and started abusing the informant and demanded Rs. 20,000/- per month as extortion. On protest being made, co-accused Sumit took out pistol from his pocket and pointed on the informant and thereafter, co-accused Kunal Kumar, the petitioner and Raunak Kumar assaulted with a sharp cutting weapon on the back of the informant which hit one of the customers Raj Kumar.



Thereafter, accused persons took away cash of Rs. 3500/- from the cash box of the shop and escaped from the scene.

On the pleadings of the petition, it appears that petitioner is a student of Graduation and only for the hot exchange between the parties, the accusation has been levelled.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent and the investigation has already been concluded.

Learned A.P.P. submits that accusation is specific and the weapon used by the petitioner and his associates has been seized.

Considering the fact that investigation has already been concluded and the petitioner is having clean 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 learned Additional Chief Judicial



Magistrate, 1st Class, Manjhol, Begusarai in connection with Bariyarpur P.S. Case No. 58 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 Additional Chief Judicial Magistrate, 1st Class, Manjhol, Begusarai in connection with Bariyarpur P.S. Case No. 58 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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