

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20355 of 2020**

Arising Out of PS. Case No.-225 Year-2018 Thana- CHAPRA RAIL P.S. District- Saran

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RAMJANI @ RAMJANI MIYAN S/o Md. Mumtaz @ Mumtaz Miyan R/o
Village- Basatpur, P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-07-2020 Heard.

The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects, learned counsel for the petitioner undertakes to remove the defects, within a period of three weeks of resumption of the court proceeding in physical mode. In case, non-removal of defects, the office will place the matter again before the bench.



The petitioner has preferred the present application for grant of bail in a case registered for the offence punishable under Section 379 of the I.P.C.

The prosecution case as per the written statement of Arvind Kumar Shukla submitted before the State Railway Police, Faizabad is to the effect that the informant along with his wife, Renu was travelling by a train from Madhubani to Faizabad and while the informant was sleeping, someone committed theft of the hand bag of his wife, containing Rs.9900/- cash, ATM card, mobile phone and jewellery and wallet of the informant, leading to registration of FIR against unknown. The name of the petitioner sprang up during investigation.

From the pleading of the petitioner it appears that the name of the petitioner sprang up on the basis of confessional statement of co-accused, Afzal Ansari and except the confessional statement, neither any recovery has been made from the possession of the petitioner nor the petitioner has been put on Test Identification Parade. Moreover, similarly situated co-accused, Abhishek Kumar @ Beti has been granted bail by a Co-ordinate bench of this Court vide order dated 28.05.2019 passed in Criminal Miscellaneous No.15163 of 2019. The petitioner is languishing in custody since 19.01.2019 and the



investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, but he has been acquitted.

Learned APP for the State submits that the name of the petitioner sprang up on the basis of confessional statement of co-accused, during investigation.

Considering the fact that the name of the petitioner sprang up on confession of the co-accused, neither there is any recovery from the possession of the petitioner nor the petitioner has been put on Test Identification Parade, the investigation already being 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 the learned Judicial Magistrate (Railway), Sonpur (Saran), in connection with Chhapra Rail P.S. Case No. 225 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 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 the learned Judicial Magistrate (Railway), Sonpur (Saran), in connection with Chhapra Rail P.S. Case No. 225 of 2018.

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 stands disposed of.

(Dinesh Kumar Singh, J)

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