

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21130 of 2020

Arising Out of PS. Case No.-461 Year-2019 Thana- NAUBATPUR District- Patna

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RAHUL KUMAR S/o Anil Kumar @ Anil Yadav @ Wakeel Yadav Resident
of Village - Phulchand Chak Tola, P. O. Koranja, P.S.- Naubatpur, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kameshwar Singh, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-06-2020 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 defect/s within a period of three weeks on



resumption of physical court proceeding.

In case of non-removal of the defect/s within the undertaken period, the office will place the matter before the Bench.

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

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 341, 392, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Kundan Kumar, recorded by S.I. Rajiv Ranjan Kumar, S.I., Naubatpur Police Station on 12.07.2019 at 2.00 P.M. is to the effect that the petitioner used to collect the loan amount from self help group and on 12.07.2019, while he was returning after collecting the amount from the members of the self help group, on the way, Rs.89,730/- along with his personnel amount of Rs.2500/- were robbed off. Subsequently, one accused was identified by the villagers as Pappu Yadav. Subsequently, co-accused, Pappu Yadav was apprehended who named the petitioner.

From the pleading of the petitioner it appears that neither any recovery has been made from the possession of the



petitioner nor the petitioner has been put on Test Identification Parade and petitioner is languishing in custody since 06.11.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of co-accused, Pappu Yadav.

Considering the fact that the name of the petitioner sprang up on the confession of co-accused, neither there is any recovery from his possession nor he has been put on Test Identification Parade, coupled with statement made in paragraph no.3 of the petition 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 ACJM-II, Danapur, Patna, in connection with Naubatpur P.S. Case No. 461 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 the learned ACJM-II, Danapur, Patna, in connection with Naubatpur P.S. Case No. 461 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 stands disposed of.

(Dinesh Kumar Singh, J)

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