

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22337 of 2020

Arising Out of PS. Case No.-51 Year-2017 Thana- GHOSWARI District- Patna

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SANDEEP KUMAR Son of Chhote Yadav Resident of Village - Gosaingaon,
P.S.- Ghoshwari, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the
undertaken period, the office will place the matter again.

Heard learned counsel for the petitioner and the
State.

The petitioner is languishing in custody since
16.01.2020, in a case registered for the offence punishable under



Section 392 of the IPC.

The prosecution case, as per the written report of Shambhu Kumar, submitted to the Station House Officer, Ghoswari police Station is to the effect that on 06.06.2017, the informant was transporting sand on the tractor, but on the way, four accused persons came on a motorcycle and tied the hands and legs of the informant and took away the tractor, leading to registration of FIR against unknown persons. The name of the petitioner sprang up on the statement of co-accused Nitesh Kumar.

Learned counsel for the petitioner submits that neither any recovery has been made from the conscious physical possession of the petitioner nor has the petitioner been put on T.I. Parade. The investigation has already been concluded and co-accused, Nitesh Kumar, on whose confession, the name of the petitioner sprang up, has been granted bail by learned court below itself. A statement has been made in paragraph no.3 of the petition that after institution of the present case, the petitioner has been implicated in two other cases also.

Learned APP submits that the name of the petitioner sprang up on the confession of co-accused person.

Considering the fact that no recovery has been



made from the conscious physical possession of the petitioner, the petitioner has not been put on T.I. Parade, other co-accused person, on whose confession, the name of the petitioner sprang up, has been granted bail by learned court below itself and the period in custody, 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, 1st Class, Barh, Patna, in connection with Ghoshwari P.S. Case No. 51 of 2017.

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 Judicial Magistrate, 1st Class, Barh, Patna, in connection with Ghoshwari P.S. Case No. 51 of 2017.



The learned Court below will further 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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