

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21128 of 2020**

Arising Out of PS. Case No.-12 Year-2020 Thana- MADANPUR District- Aurangabad

RAJU SAO Son of Bihari Prasad Gupta Resident of Village - Sheoganj
(Shivganj), P.S. - Madanpur, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.A.G

**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 functioning due to 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 offence punishable under Sections 399, 402, 386 and 387 of the Indian Penal Code, 1860 and Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case as per the self statement of Pankaj Kumar Saini, S.H.O., Mandanpur Police Station recorded on 20.01.2020 at 2.15 A.M. is to the effect that on 19.01.2020 at 11.00 P.M., a confidential information was received that accused of Madanpur P.S. Case No. 5 of 2020 has gathered near the house of Dashrath Yadav and planning to commit dacoity and demand of extortion. Consequently, a raid was laid and four persons, including the petitioner, were apprehended, however, one accused person escaped from the scene. During frisking, from the other accused persons arms were recovered whereas from the possession of the petitioner, extortion letter, four mobile phones and some literature of extremist were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been roped in the present case. There is no recovery from the possession of the petitioner. The petitioner is languishing in custody since 20.01.2020 and 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 for the State submits that the petitioner was apprehended from the spot along with the other co-accused while planning to commit dacoity and demanding extortion.

Considering the fact that no arms have been recovered from the possession of the petitioner, the investigation already being concluded 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 CJM, Aurangabad , in connection with Madanpur P.S. Case No. 12 of 2020.

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
CJM, Aurangabad , in connection with Madanpur P.S. Case No.
12 of 2020.

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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