

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23877 of 2020**

Arising Out of PS. Case No.-4 Year-2020 Thana- BEGUSARAI RAIL P.S. District-
Begusarai

MD. SHAMSHAD S/o Md. Nizamuddin @ Niyas Uddin Resident of Village-
Jagdishpur, P.S.-Barauni, District-Katihar at present village-Hardiya (Rajaura,
P.S.-Muffasil, District-Begusarai, C/o house of Jalisa Khatoon wife of Late
Samir

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 21-09-2020 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 week 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
28.01.2020, in a case registered for the offences punishable



under Sections 379, 411 and 414 of the IPC.

The prosecution case, as per the written report of Rimjhim Kumari, submitted to the S.H.O., Begusarai Rail Police Station is to the effect that on 27.01.2020, the informant along with her husband was coming by D.M.U. train and got down at Begusarai Railway Station when one person snatched her purse and took away Rs. 1,000/- cash from the purse, when on alarm being raised, the police personnel apprehended him and recovered Rs. 1,000/- from his possession, who disclosed his name as Md. Shamshad, the petitioner.

Learned counsel for the petitioner submits that only on the basis of suspicion, the petitioner has maliciously been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case. Moreover, the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the petitioner was caught red handed.

Considering the nature of accusation, period under



custody, investigation already being concluded and the fact that the trial is not likely to be concluded due to the pandemic, Covid-19, 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, Barauni Rail, in connection with Begusarai Rail P.S. Case No. 04 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 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 learned ACJM, Barauni Rail, in connection with Begusarai Rail P.S.



Case No. 04 of 2020.

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 is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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