

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22213 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- BARHARA KOTHI District- Purnia

Nandan Kumar Sri Bindeshwari Mahto Resident of Village- Hanuman Nagar,
P.S.- Barhara, Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-08-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
02.03.2020 in a case registered for the offences punishable



under Sections 379/411 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case as per the written report of Ranjeet Kumar submitted to the Station House Officer, Raghubansh Nagar O.P., Barhara Kothi Police Station, is to the effect that on 01.01.2020 at 11.30 A.M., the informant parked his Glamour motorcycle to worship in a temple but on return his motorcycle was found missing, leading to registration of the present case against unknown. The name of the petitioner sprang up on the confessional statement of co-accused Prabhu Mandal. During investigation it transpired that the petitioner and co-accused Prabhu Mandal are habitual thieves and were seen travelling on the alleged motorcycle.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about his involvement in the present case. The learned Sessions Judge has committed error of record that the petitioner has criminal antecedent rather the petitioner is not having any criminal antecedent, statement to that effect has been made in paragraph 3 of the petition. It is further submitted that the stolen motorcycle was recovered from the newly constructed hut of co-accused Chamru Mandal.

Learned APP for the State submits that the name of



the petitioner sprang up during investigation.

Considering the fact that the name of the petitioner sprang up during investigation, the recovery of the stolen motorcycle has been made from co-accused Chamru Mandal and statement being 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 Judicial Magistrate, Ist Class, Purnea in connection with Barhara (Raghubansh Nagar) P.S. Case No. 03 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 upon 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
udicial Magistrate, Ist Class, Purnea in connection with Barhara
(Raghubansh Nagar) P.S. Case No. 03 of 2020.

The learned Court below is at liberty to further
extend the period of provisional bail if the court proceeding in
physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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