

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20978 of 2020

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1. NARESH SAHANI(male) aged about 24 years, S/o- Sri. Ram Saran
Sahani, R/o village- Marui, P.S.- Patepur, District- Vaishali

... .. Petitioner

Versus

1. The State of Bihar

... .. Opposite Party

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Appearance

For the Petitioner/s	:	Mr.Pranav Kumar Jha, Advocate
	:	Mr.Subodh Kumar Jha
For the Opposite Party/s :		Mr.Ram Chandra Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-08-2020 Heard Mr. Pranav Kumar Jha, learned counsel

appearing on behalf of the petitioners and Mr. Ram Chandra
Thakur, learned Additional Public Prosecutor, for the State of
Bihar.

This application for grant of regular bail arises out of
Patepur P.S. Case No. 336 of 2019, registered for the offences
punishable under Sections 379 and 356 of the Indian Penal
Code.

The occurrence is alleged to be of 11.12.2019, when
two motorcycle borne miscreants allegedly hit the informant's
motorcycle and when the informant fell down, the miscreants
took away his motorcycle and a cash of Rs. 1,72,000/- and odd
and other valuables. The F.I.R. was registered against unknown.



Learned counsel appearing on behalf of the petitioner has submitted that for an occurrence alleged to have taken place on 11.12.2019, the F.I.R. has been registered on 18.12.2019, on the basis of written report of the informant dated 17.12.2019. There is no explanation for inordinate delay in lodging of the F.I.R. He has further submitted that the petitioner has been implicated merely on the basis of suspicion and neither test identification parade has been held nor recovery has been made of any incriminating material from the petitioner's possession.

Considering the above submission and delay in lodging of the F.I.R., this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate XIV, Vaishali at Hajipur in connection with Patepur P.S. Case No. 336 of 2019.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-



(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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