

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22210 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- GANGABRIDGE District- Vaishali

Pintu Kumar Son of Kamaleshwar Ray @ Kamlesh Ray Resident of Village -
Chhaukiya, P.S.- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Chandra Bhushan P rasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

Since the Court proceeding in physical mode is not
functional due to the present pandemic, Covid-19, the matter
has been listed with defects.

Learned counsel for the petitioners undertakes to
remove the defects within a period of three weeks on
resumption of court proceeding in physical mode.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
Bench.

The court proceeding is conducted through virtual
mode.

Heard Mr. Ansul, learned counsel for the petitioner



and Mr. Chandra Bhushan Prasad, learned APP for the State.

The petitioner is languishing in custody since 27.04.2020 in a case registered for the offence punishable under Section 392 of the IPC.

The prosecution case as per the written report of Anil Kuamr Sharma, submitted to the Station House Officer, Ganga Bridge Police Station is to the effect that on 09.01.2020, the informant, being a teacher was going from Patna to Hajipur, but on the way, his scooty was robbed, leading to registration of the FIR against three unknown. The name of the petitioner sprang up during investigation on the statement of co-accused Binod Kumar and Vikki Kumar, from whose possession, the robbed scooty of the informant was recovered. From the impugned order, it appears that the motorcycle, which was used for commission of the crime, was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the FIR has been lodged against unknown and robbed scooty of the informant has been recovered from the possession of co-accused persons, Binod Rai and Vikki Rai. The investigation has already been concluded but the petitioner has not been put on T.I. parade. Moreover, in the present exceptional situation, created



due to pandemic, Covid-19, since the court proceeding in physical mode is not functional, there is no likelihood of trial being concluded in near future. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, in which, he is on bail.

Learned APP submits that the name of the petitioner sprang up during investigation on the statement of the co-accused persons, from whose possession, robbed scooty of the informant was recovered.

Considering the nature of accusation, period under custody and the fact that the investigation has already been concluded, recovery of robbed scooty has not been made from the conscious physical possession of the petitioner and the petitioner has not been put on T.I. Parade, 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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Ganga Bridge 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 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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No. 03 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)

Amrendra/-

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