

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23892 of 2020

Arising out of PS. Case No.-709 Year-2019 Thana- MAHUA District- Vaishali

Mukesh Kumar Son of Jagarnath Singh Resident of Village - Hidayatpur Chakhajinijam, P.S.
- Mahua, District – Vaishali. Petitioner/s

Versus

The State of Bihar Opposite
Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Shraddhanand Paswan, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2020 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 three 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
21.12.2019 in a case registered for the offences punishable
under Sections 399, 402 and 414 of the Indian Penal Code
and Sections 25(1-B)a/26/35 of the Arms Act, hence, the



prayer for bail has been made through the present application.

The prosecution case, as per the self statement of Krishna Nand Jha, S.I.-cum-S.H.O., Mahua P.S. on 19.12.2019 at 5.10 P.M., is to the effect that on 19.12.2019 at 2.10 P.M. during patrolling, a confidential information was received that some miscreants are planning to commit dacoity, consequently, a raid was laid, and seven persons including the petitioner were apprehended but two persons managed to escape from the scene. From the possession of the petitioner, one knife, Rs. 20,000/- and one mobile was recovered.

It is submitted by learned counsel for the petitioner that the recovered article does not suggest that the petitioner was trying to commit dacoity and no stolen property was recovered from the possession of the petitioner, hence, no case under 414 IPC is made out against the petitioner and 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.



Considering the nature of recovery and the fact that investigation has already been concluded, coupled with the 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 709 of 2019.

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 Chief Judicial Magistrate, Vaishali at



Hajipur in connection with Mahua P.S. Case No. 709 of 2019.

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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