

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22659 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- BIRPUR District- Supaul

Chhotu Kumar @ Satish Kumar S/o Subodh Sah R/o Pipra, Ward No.06, P.S.-
Banmankhi, Distt- Purnea. Pin 854102

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Jha, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 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
28.02.2020 in a case registered for the offences punishable
under Sections 420, 467, 468, 471, 489A, 489B, 489C and



489D/34 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self statement of S.I., Binod Kumar Singh recorded on 16.02.2020 at 3.00 A.M., is to the effect that on 15.02.2020 at 7.15 P.M., a secret information was received that one Raushan Kumar is indulged in trade of fake currency notes, consequently, he was apprehended with a bag containing fake currency notes to the tune of Rs.23,400/- of Rs.200/-, 100/- and 50/- denominations, who accepted that for Rs.10,000/- fake currency notes, he is making payment of actual amount of Rs.4,000/- and he suggested the name of the petitioner as a supplier. Subsequently, the house of the petitioner was raided but he was not apprehended and nothing incriminating was recovered from his house.

It is submitted by learned counsel for the petitioner that even assuming the accusation, no case is made out against the petitioner and nothing has been recovered from the possession of the petitioner. The investigation has already been concluded and 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 main



accused suggested the name of the petitioner as being supplier of the fake currency notes.

Considering the fact that there is no recovery from the petitioner, the investigation has already been concluded 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 Additional Chief Judicial Magistrate, Birpur, District – Supaul in connection with Birpur P.S. Case No. 40 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
Additional Chief Judicial Magistrate, Birpur, District – Supaul
in connection with Birpur P.S. Case No. 40 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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