

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23858 of 2020**

Arising Out of PS. Case No.-665 Year-2019 Thana- District- Muzaffarpur

HEMANT KUMAR Son of Anuj Kumar Thakur Resident of Village -  
Bahrampur, P.S. - Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv,  
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

2      21-09-2020                      The court proceeding has been conducted through  
virtual mode.

Since the court proceeding is not functional in  
physical mode, due to present Pandemic, Covid -19, the present  
case has been listed with defects.

Learned Sr. Counsel for the petitioner undertakes to  
remove the defect(s) within a period of four week of resumption of  
court proceeding in physical mode.

If the defect(s) is not removed within the undertaken  
period, the office will place the matter again.

Heard learned Sr. Counsel for the petitioner and the  
State.

The petitioner is languishing in custody since  
02.10.2019, in a case registered for the offences punishable under



Sections 395 and 415 of the IPC.

The prosecution case, as per the fardbeyan of Dileep Kumar Goswami, recorded by Mithilesh Kumar Jha, Inspector-cum-S.H.O., Sadar Police Station on 27.09.2019 at about 2.15 P.M. is to the effect that on the same day at about 1.30 P.M., the informant, being the Branch Manager of the State Bank of India was working in his cabin, in the branch, in the meantime, one person aged about 25 years entered into the cabin of the informant and pointed pistol on the informant and in the meantime, robbed a gold chain and a ring of the informant and also took away Rs. 2,600/- from the pocket and when the other 6-7 miscreants also entered into the bank and took away Rs. 60,000/- from the cashier and all the miscreants altogether robbed off Rs. 6,12,330/-, leading to registration of FIR against unknown persons. The name of the petitioner sprang up on the confession of co-accused Sumant Kumar from whom and other co-accused persons, robbed money was recovered.

Learned Sr. Counsel for the petitioner submits that no recovery has been made from the possession of the petitioner and the petitioner has not been put on T.I. Parade. Though, Rs. 14,500/- was recovered from the possession of the petitioner, but that money has also not been put on T.I. Parade. It is further submitted that co-accused Sumant Kumar, on whose



confession the name of the petitioner sprang up, has been granted bail by a Co-ordinate bench of this Court, vide order dated 19.06.2020, passed in Cr. Misc. No. 20393 of 2020, whereas co-accused Rajiv @ Rahul Das has been granted bail by a different Co-ordinate bench of this Court, vide order dated 10.7.2020, passed in Cr. Misc. No. 21997 of 2020. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the name of the petitioner has been sprang up on the confession of apprehended co-accused from whom recovery of robbed money has been made.

Considering the fact that no recovery has been made from the possession of the petitioner, the petitioner has not been put on T.I. Parade, other similarly situated co-accused persons have been granted bail by different Co-ordinate benches of this Court, the investigation has already been concluded and the trial is not likely to be concluded due to the pandemic,



Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect 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 CJM, Muzaffarpur, in connection with Sadar P.S. Case No. 665 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 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 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 learned CJM, Muzaffarpur, in connection with Sadar P.S. Case No. 665 of



2019.

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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