

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22670 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- EKANGARSARAI District- Nalanda

Ranjeet Chaudhary @ Ranjit Chaudhari Son of Birju Chaudhary @ Briju Chaudhari Resident of Village- Pothhi (Pothahi), P.S.- Punpun, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, 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 26.01.2020 in a case registered for the offences punishable



under Sections 379 and 461 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Gaurav Kumar submitted to the Station House Officer, Ekangarsarai Police Station, is to the effect that on 15.01.2020 the informant came to know that someone cut shutter of the jewellery shop of the informant and commit theft of the jewellery, leading to registration of the FIR against unknown. During investigation one Shankar Kumar was arrested and in his confession, he named the petitioner, Ranjeet Choudhary and co-accused Puran Vishwakarma. During investigation, it also transpired that the Scorpio vehicle used in commission of the crime belongs to the petitioner and petitioner's mobile tower location was also found around the place of the occurrence.

It is submitted by learned counsel for the petitioner that on the basis of the circumstantial evidence, the petitioner has falsely been roped in the present case and there is no recovery 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 in extra



judicial confession co-accused confessed his guilt and also suggests that the petitioner has actively participated in the commission of the crime.

Considering the fact that there is no recovery from the petitioner, the investigation has already been concluded and 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 Additional Chief Judicial Magistrate, Hilsa (Nalanda) in connection with Ekangarsarai P.S. Case No. 15 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, Hilsa (Nalanda) in connection with Ekangarsarai P.S. Case No. 15 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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