

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22773 of 2020**

Arising Out of PS. Case No.-64 Year-2020 Thana- JAHANABAD District- Jehanabad

Vikash Kumar Son of Vijay Yadav @ Vijay Prasad Resident of Village -
Kodihra, P.S.- Masauri, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.A.G.

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

2 04-09-2020 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
29.01.2020 in a case registered for the offences punishable
under Section 395 of the Indian Penal Code, hence, the prayer



for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Sunil Kumar recorded by S.I., Ajeet Kumar on 28.01.2020 at 6.30 A.M., is to the effect that on 27.01.2020 at 1.45 A.M., the informant along with co-driver Raushan Kumar after unloading of the articles from the truck was coming from Patna to Jehanabad but on the way, one Maruti Van overtook the truck and two persons forced the informant and co-driver to sit in the Maruti Van and they robbed the truck along with Rs.25,000/- and mobile phone and after driving the truck they fled away, leading to registration of the FIR against unknown. During investigation, the name of the petitioner and from his possession key of the truck of the recovered as he was found fleeing away from the truck in question.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case, there is no recovery from the possession of the petitioner and the investigation has already been concluded but the petitioner has not been put on T.I. Parade. The petitioner is accused in one other case registered under Section 392 of the IPC.

Learned APP for the State submits that the key of



the truck was recovered from the possession of the petitioner.

Considering the fact that the investigation has already been concluded but 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, Jehanabad in connection with Jehanabad (Karauna O.P.) P.S. Case No. 64 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 Chief Judicial Magistrate, Jehanabad in connection with Jehanabad (Karauna O.P.) P.S. Case No. 64 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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