

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22715 of 2020**

Arising Out of PS. Case No.-3 Year-2019 Thana- SAKRA District- Muzaffarpur

=====

Kanhaiya Thakur @ Kanhai Thakur Son of Prem Shankar Thakur @ Prem Kishore Thakur @ Prem Kishor Thakur Resident of Village - Hari Shankar Maniyari, P.S.- Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Chandra Shekhar Anand  
For the Opposite Party/s : Mr.APP

=====

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

2      03-09-2020                      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



02.01.2019 in a case registered for the offences punishable under Section 392 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 Rishi Kumar submitted to the Station House Officer, Sakra Police Station, is to the effect that on 01.01.2019 at 6.30 P.M., the informant, being a collecting agency of a Sari Centre, was returning after making collection of money, when on the way his Splendor motorcycle, cash amount of Rs.34,000/-, purse, mobile phone, ATM card and driving licence were robbed by unknown miscreants, leading to registration of the case against unknown. The name of the petitioner sprang up during investigation on the confession of co-accused Govind Das @ Pappu.

It is submitted by learned counsel for the petitioner that neither there is any recovery from the possession of the petitioner nor the petitioner has been put on T.I. Parade. Though the petitioner is accused in three other cases but he is on bail in those cases and investigation has already been concluded.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of co-accused.

Considering the fact that the investigation has already been concluded and neither there is any recovery from



the petitioner nor the petitioner has 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 A.C.J.M. 9<sup>th</sup> -cum- Sub Judge, Muzaffarpur in connection with Sakra P.S. Case No. 03 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 A.C.J.M. 9<sup>th</sup> -cum- Sub Judge, Muzaffarpur in connection with Sakra P.S. Case No. 03 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)**

DKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

