

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22761 of 2020

Arising Out of PS. Case No.-114 Year-2020 Thana- BARAUNI District- Begusarai

Chhotu Kumar @ Ritik Kumar S/o Sikandar Singh Resident of Village-
Madhurapur, P.S.-Teghra, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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 10.04.2020 in a case registered for the offences punishable under Sections 379/411 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 Sushil Kumar submitted to Station House Officer, Barauni Refinery Police Station, is to the effect that on 09.04.2020, the informant parked a gas tanker loaded with gas near Gate No. 10 of ICPL and went inside the office to bring cash amount but when he returned he found his vehicle missing. Subsequently, through the GPS location, the vehicle was traced and seized and the person, who, on seeing the police party, started fleeing away but on chase being made, he was apprehended and he disclosed his name as Chhotu Kumar, the petitioner.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been apprehended in the present case since the petitioner was simply running away from the place of seizure of the vehicle. Though the petitioner is accused in one other case but he is on bail in that case and investigation has already been concluded.

Learned APP for the State submits that the petitioner was apprehended from the place of seizure of the



vehicle.

Considering the nature of accusation and the fact that the investigation has already been concluded, 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, Begusarai in connection with Barauni (Refinery O.P.) P.S. Case No. 114 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, Begusarai in connection with Barauni (Refinery O.P.) P.S. Case No. 114 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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