

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22596 of 2020

Arising Out of PS. Case No.-340 Year-2019 Thana- BAHADURGANJ District- Kishanganj

MD. FAIZAN MUSTAFA @ ABID Son of Late Aftab Alam @ Mahtab Alam
Resident of Mohalla- Panibagh, P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashid Izhar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2020 The matter has been taken up through virtual Court proceeding.

Since the Court is not functional in physical mode due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within a period of four weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the bench.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has preferred the present application for grant of bail in a case registered for the offence punishable



under Section 394 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Afjal Alam recorded by S.I., Suresh Prasad on 07.12.2019 at 8.45 P.M. at M.G.M. Campus is to the effect that the informant is a cleaner of a pickup van which was carrying chicken and on the same day, while transporting chicken, as soon as the informant, reached at Bahadurganj, four persons travelling on two motorcycles, chased the van and they resorted to fire whereupon, the informant jumped from the van and the driver received injuries, leading to registration of FIR against four unknown. The name of the petitioner sprang up during investigation when the petitioner was apprehended on suspicion and subsequently, he made his confession.

It is submitted by learned counsel for the petitioner that the petitioner was not arrested on spot and there is no recovery from the possession of the petitioner nor the petitioner has been put on Test Identification Parade. It is further submitted that though the petitioner is accused in eight other cases, but in all the cases, he has been granted bail. The petitioner is languishing in custody since 23.01.2020 and the investigation has already been concluded.

Learned APP for the State submits that the name of



the petitioner sprang up during investigation and he made confession before the police.

Considering the fact that the name of the petitioner sprang up during investigation, neither there is any recovery from the possession of the petitioner nor the petitioner has been put on Test Identification Parade and 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 CJM, Kishanganj, in connection with Bahadurganj P.S. Case No. 340 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 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



CJM, Kishanganj, in connection with Bahadurganj P.S. Case No. 340 of 2019.

The learned Court below will further 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 application stands disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

