

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22712 of 2020

Arising out of PS. Case No.-751 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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Rajendra Kumar, Son of Sri Ratan Sah Resident of Village - Chargaha, P.S. -
Chanpatia (Sirisiya), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. APP

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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 has renewed the prayer for bail in a



case registered for the offences punishable under Sections 413 and 414/34 of the Indian Penal Code and Sections 25(1-B) (a)/26/35 of the Arms Act.

The prosecution case, as per the written report of Inspector, Shashibhushan Thakur submitted to the Station House Officer, Bettiah Town P.S., is to the effect that on 14.10.2019 at 4.00 P.M. during the patrolling and vehicle check, a confidential information was received that on two stolen motorcycles, four miscreants are roaming around and planning to commit some serious offence. Consequently, four persons with two motorcycles including the petitioner were apprehended and one stolen motorcycle and one mobile phone was recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner was apprehended only on basis of suspicion and no firearm was recovered from the possession of the petitioner, hence, no case under the Arms Act is made out against him and a statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent and investigation has already been concluded.

Earlier, the prayer for bail of the petitioner was rejected vide order dated 04.02.2020 passed in Cr. Misc. No.



6156 of 2020 by a Co-ordinate bench of this Court (since retired) with liberty to the petitioner to renew the prayer for bail after remaining in custody for seven months or charges are framed, whichever is earlier. The petitioner has remained in custody since 15.10.2019 though charges have not been framed as yet.

Learned APP for the State submits that the stolen motorcycle has been recovered from the possession of the petitioner and he is named in the FIR.

Considering the nature of accusation and fact that the liberty was given to the petitioner that after remaining in custody for seven months or charges are framed, whichever is earlier, he may renew his prayer for bail and petitioner has remained in custody for nine months, coupled with the statement 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Town P.S. Case No. 751 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Town P.S. Case No. 751 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)

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