

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22746 of 2020

Arising Out of PS. Case No.-67 Year-2020 Thana- GAIGHAT District- Muzaffarpur

ROUSHAN KUMAR @ ROUSHAN SHARMA S/O Vasant Thakur @
Vasant Sharma R/O Village - Markandpur, P.S. - Gaighat, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

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.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since
02.03.2019, in a case registered for the offence punishable under
Section 394 of the IPC.



The prosecution case, as per the written report of Manoj Sahni, submitted to the Station House Officer, Benibad O.P. Police Station is to the effect that on 28.02.2020 at about 5.30 P.M., the informant along with his mother, Paspati Devi and brother, Binod Sahani were coming after selling their land, but on the way, two unknown miscreants came on a motorcycle and on the point of pistol, robbed Rs. 15,000/- and they also resorted to fire on the brother of the informant, as a result, he received firearm injury, leading to registration of FIR against unknown persons. The name of the petitioner sprang up on the confession of the driver of the alleged vehicle using which, the robbery was committed and on arrest, the petitioner also confessed his guilt before police, leading to recovery of the alleged amount.

Learned counsel for the petitioner submits that seizure list does not suggest the recovery has been made from the conscious physical possession of the petitioner. For the alleged occurrence of 28.02.2020, the FIR was lodged on 01.03.2020 and the petitioner has not been put on T.I. Parade. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded and in the present



situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the petitioner confessed his guilt before the police, which led to the recovery.

Considering the delayed lodging of the FIR, investigation already being concluded, period under custody and the fact the trial is not likely to be concluded in near future due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect 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 ACJM-XV, Muzaffarpur, in connection with Gaighat P.S. Case No. 67 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 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 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 learned ACJM-XV, Muzaffarpur, in connection with Gaighat P.S. Case No. 67 of 2020.

The learned Court below will 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 present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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