

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22669 of 2020

Arising Out of PS. Case No.-187 Year-2019 Thana- PIRO District- Bhojpur

Sanjay Yadav Son of Late Brij Bihari Yadav Resident of Village-Dihara, P.S.-
Bikaramganj, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Malti Kumari, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 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
26.02.2020 in a case registered for the offence 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 Md. Hasamuddin Ansari submitted to the Station House Officer, Hasan Bazar (Piro) Police Station, is to the effect that on 02.07.2019 at 4.00 P.M., the informant was returning by auto-rickshaw after collecting money of his business transaction, on the way the miscreants on two motorcycles intercepted the auto-rickshaw and robbed Rs.Two lakhs and mobile phone of the informant. Since the miscreants had concealed their faces the informant could not identify them and hence, the FIR was lodged against unknown. The name of the petitioner sprang up during investigation.

It is submitted by learned counsel for the petitioner that neither there is any recovery from the petitioner nor he has been put on T.I. Parade but all these things have not been pleaded in the petition. Though, statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent but the impugned order suggests that learned APP had made a submission before the learned Court below that the petitioner is having criminal antecedent, but this fact has not been controverted by the petitioner to the effect that



the same is an error of record

Learned APP for the State submits that the name of the petitioner sprang up during investigation.

Considering the fact that investigation has already been concluded and there is nothing on record to suggest that the petitioner was put on T.I. Parade or any recovery has been made from him, 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, Bhojpur at Ara in connection with Piro (Hasan Bazar) P.S. Case No. 187 of 2019, **subject to the verification by the learned Court below with regard to the fact that the petitioner has no criminal antecedent, but if it is found that the petitioner has criminal antecedent and false statement has been made in paragraph 3 of the petition, in that eventuality, the petitioner will not be released on bail and the present order deem to have not been passed. However, the petitioner will have liberty to file fresh application, if so advised.**

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, Bhojpur at Ara in connection with Piro (Hasan Bazar) P.S. Case No. 187 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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