

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22688 of 2020

Arising Out of PS. Case No.-161 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

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SUBODH KUMAR Son of Chandrabhanu Ray @ Rajendra Ray Resident of
Village- Bishanpur, P.S.- Minapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar

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

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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.

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
31.01.2020, in a case registered for the offence punishable under



Section 394 of the IPC.

The prosecution case, as per the fardbeyan of Manoj Kumar, recorded by S.I., Durgakisku Siwaipati Police Station on 07.11.2019 at about 11.30 A.M. is to the effect that on 06.11.2019, the informant was travelling by his motorcycle when five miscreants came on two motorcycles and assaulted the informant, robbed the motorcycle, a gold chain and cash amount of Rs.7,500/- from the informant, leading to registration of FIR against unknown persons. The name of the petitioner sprang up during investigation, when he recorded confession also.

Learned counsel for the petitioner submits that no recovery has been made from the possession of the petitioner 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 accused in one other case in which, he is on bail. 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 name of the petitioner sprang during investigation and he also confessed his guilt.

Considering the fact that the investigation has



already been concluded, the petitioner has not been put on T.I. Parade, the period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19, 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, Muzaffarpur, in connection with Siwaipatti P.S. Case No. 161 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 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 Chief



Judicial Magistrate, Muzaffarpur, in connection with Siwaipatti
P.S. Case No. 161 of 2019.

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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