

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23889 of 2020

Arising out of PS. Case No.-52 Year-2020 Thana- TEGHRHA District- Begusarai

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Krishna Kumar @ Kunal Son of Uday Sharma @ Uday Shankar Sharma
Resident of Village- Sahuri Ward no. 6, P.S.- Birpur, District- Begusarai,
presently residing at C/o Rambahadur Sharma (Nana), resident of Village-
Marsaiti, Ward No. 7, P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2020 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



29.02.2020 in a case registered for the offence punishable under Section 412 of the Indian Penal Code and Sections 25(1-B)a/26 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Himanshu Kumar Singh, Inspector-cum-S.H.O., Teghra P.S., is to the effect that on 24.02.2020, an information was received that on N.H. 28, some miscreants have robbed Rs. 4,90,000/- from two persons, consequently, a raid was laid and it was traced that mobile no. 8210505009 was used for commission of the crime, thereafter, a raid was laid in the house of co-accused Sanjeet Kumar, the person in whose name, the said mobile number was found registered. It is alleged that the said mobile number was used by one Deepak Kumar who happens to be the nephew of co-accused Sanjeet Kumar. Subsequently, Deepak Kumar was interrogated about his complicity in the robbery and consequently from the house of co-accused Deepak Kumar, one loaded country-made pistol and one live cartridge along with Rs. 50,000/- were recovered and co-accused Deepak Kumar confessed that he received Rs. 50,000/- as his share in booty and from pocket of his shirt, one blue coloured Nokia mobile phone was recovered. Subsequently, on the basis of confession of co-



accused Deepak Kumar, the house of the petitioner, Krishna Kumar was searched, who confessed that he received Rs. 1, 50,000/- as his share in booty which was found kept beneath the bed and one country-made loaded pistol, one live cartridge and one motorcycle were also recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the investigation has already been concluded and the petitioner is accused in one other case registered for the offence under Section 392 of the Indian Penal Code. It is further submitted that the recovered money has not been put up on Test Identification Parade nor the petitioner has been put up on Test Identification Parade and the recovered motorcycle belongs to the petitioner's uncle and the petitioner is languishing in custody since 29.02.2020.

Learned APP for the State submits that the recovery has been made from the house of the petitioner and he is named in the FIR.

Considering the fact that though the petitioner is named in the FIR but on the basis of confession of co-accused Deepak Kumar his house was raided, the petitioner has not been put up on Test Identification Parade nor the money recovered



has been put up on Test Identification Parade and 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 Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 52 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 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, Begusarai in connection with Teghra P.S. Case No. 52 of 2020.

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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