

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23300 of 2020

Arising out of PS. Case No.-82 Year-2019 Thana- SAKRA District- Muzaffarpur

Uday Shankar Sharma @ Guddu @ Guddu Thakur @ Guddu Sharma S/o
Bhola Thakur @ Shiv Kumar Thakur Resident of Village-Harpur Krishna,
P.S.-Sakara, District-Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 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
28.05.2020 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 Pawan Kumar submitted to the Station House Officer, Sakra P.S., is to the effect that on 22.02.2019 at 7.20 P.M. while he was returning from his maternal uncle's home on the way the motorcycle along with Rs. 15,000/- cash and a mobile phone of the informant was robbed by co-accused Vipul Sharma, Kanhai Kumar, Govind Kumar @ Pappu Kumar and Guddu Thakur, the petitioner.

It is submitted by learned counsel for the petitioner that the informant has sold motorcycle in question to the brother of co-accused Govind Das and, subsequently, the ownership of the motorcycle in question was transferred in the name of Neeraj Kumar but subsequently informant wanted to get back his motorcycle without returning the consideration amount and in that background, the present case has been lodged. A statement has been made in paragraph no. 3 of the petition that the petitioner is accused in five other cases in which he is on bail. Moreover, similarly situated two co-accused persons namely Govind Das and Kanhai Kumar have been granted bail vide order dated 11.12.2019 passed in Cr. Misc. No. 81243 of 2019 by this Court and order dated 03.03.2020 passed in Cr.



Misc. No. 15151 of 2020 by a Co-ordinate bench of this Court.

Learned APP for the State submits that the petitioner is having criminal antecedent and he is named in the FIR.

Considering the fact that the investigation has already been concluded and similarly situated co-accused persons have been granted bail, 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 Sub-Judge 9th-cum-Additional Chief Judicial Magistrate, Muzaffarpur in connection with Sakra P.S. Case No. 82 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 Sub-Judge 9th-cum-Additional Chief Judicial Magistrate,



Muzaffarpur in connection with Sakra P.S. Case No. 82 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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