

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23293 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- BEERPUR District- Begusarai

Pushpesh Kumar s/o Late Bhola Singh Resident of Village and P.S.- Birpur,
Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in
physical mode due to the present pandemic COVID-19,
the matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects within
undertaken period, the office shall place the matter
before the bench.

Heard learned counsel for the petitioner and
learned counsel for the State.



The petitioner is languishing in custody since 05.01.2020 in a case registered for the offences punishable under Sections 385, 387 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Manoj Sah, submitted to the S.H.O, Birpur Police Station is to the effect that on 27.12.2019, the petitioner came at the shop of the informant and asked him to talk to co-accused Gautam Kumar, who was in jail custody in connection with a murder case. On talking to co-accused Gautam Kumar, he demanded extortion money from the informant and threatened him of dire consequences.

It is submitted by learned counsel for the petitioner that thrust of accusation is against co-accused Gautam Kumar. The specific case of the prosecution is that co-accused Gautam Kumar demanded extortion amount from the informant, hence, no case under Section 384 I.P.C is made out against the petitioner and



even assuming the accusation to be true, at best offence under Section 385 I.P.C is made out against the petitioner which is bailable. Moreover, the investigation has already been concluded.

Learned A.P.P submits that petitioner is named in the F.I.R.

Considering the fact that thrust of accusation is against co-accused Gautam Kumar and the 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 learned Additional Chief Judicial Magistrate, VI, Begusarai in connection with Birpur P.S. Case No. 02 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 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VI, Begusarai in connection with Birpur P.S. Case No. 02 of 2020 including one surety given at the time of provisional bail.

The learned Court below will be 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 present application stands disposed of.

(Dinesh Kumar Singh, J)

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