

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25196 of 2020

Arising Out of PS. Case No.-97 Year-2019 Thana- MOTIPUR District- Muzaffarpur

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Kailash Sahani Son of Lakhan Sahani Resident of Village- Kothiya, P.S.-
Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mrs. Geeta Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2020 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
29.05.2019 in a case registered for the offences 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 Lakhan Paswan submitted to Station House Officer, Motipur Police Station, is to the effect that on 03.03.2019 at 1.00 A.M. the informant after loading fish on a Bolero pickup van at Muzaffarpur was going to Gopalganj but, on the way, four unknown persons came by a Bolero vehicle and robbed the pickup van of the informant, leading to registration of the FIR against unknown. Subsequently, the petitioner was apprehended while driving the said pickup van.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion the petitioner has been framed in the matter and the petitioner has not been put on T.I. Parade. The investigation has already been concluded and similarly situated co-accused Md. Seraj has been granted bail by Co-ordinate bench of this Court vide order dated 16.11.2019 passed in Cr. Misc. No. 52663 of 2019. The petitioner is accused in two other cases.

Learned APP for the State submits that the petitioner was apprehended while driving the robbed vehicle in question.



Considering the fact that the investigation has already been concluded, the petitioner is languishing in custody since 29.05.2019 but he has not been put on T.I. Parade and similarly situated co-accused has 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 Divisional Judicial Magistrate, West, Muzaffarpur in connection with Motipur P.S. Case No. 97 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 Divisional Judicial Magistrate, West, Muzaffarpur in



connection with Motipur P.S. Case No. 97 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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