

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23891 of 2020

Arising out of PS. Case No.-212 Year-2020 Thana- NAWADA District- Nawada

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Prem Kumar S/o Sri Janardan Singh Resident of Village-Ghostawan, P.S-Silaw and District-Nalanda (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, 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 06.03.2020 in a case registered for the offences punishable



under Sections 395/397 of the Indian Penal Code and Sections 25(1-B)a/26/27 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Shakil Ansari recorded by S.I. Bijay Kumar Singh, Town P.S. Nawada on 05.03.2019 at 04.00 A.M. submitted to the Station House Officer, Town P.S. Nawada, is to the effect that on 04.03.2020, in the night, the informant along with his family members were sleeping, in the meantime, eight accused persons variously armed entered in the house of the informant and on a pistol point they caught hold of the informant and assaulted the family members of the informant causing injury to the informant and robbed off Rs. 4 lacs, jewellery and other articles from the house of the informant leading to the registration of the FIR against Sonu @ Md. Jafar and 7-8 unknown persons. Subsequently, Sonu named the petitioner and subsequently, the petitioner was identified by the son of the informant during Test Identification Parade.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up on the statement of co-accused Sonu. Moreover, the petitioner has been identified by the son of the informant to whom the photograph of the



petitioner was shown prior to petitioner's appearing in Test Identification Parade which vitiates the accusation and investigation has already been concluded. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner has been identified by the son of the informant in the Test Identification Parade.

Considering the fact that nothing has been recovered from the possession of the petitioner, investigation has already been concluded and the statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, 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, Nawada in connection with Nawada Town P.S. Case No. 212 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, Nawada in connection with Nawada Town P.S. Case No. 212 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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