

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25184 of 2020

Arising out of PS. Case No.-77 Year-2020 Thana- HARSIDHI District- East Champaran

Sanjeet Paswan, Son of Jauwad Paswan, Resident of Village - Ghoghraha
Bairiya, P.S.- Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. APP

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
09.03.2020 in a case registered for the offences punishable



under Sections 356/379/34 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 Chandan Kumar submitted to the Station House Officer, Harsidhi P.S., is to the effect that, on 08.03.2020 at 7.00 P.M., the informant was returning to his house while talking on his mobile from Harsidhi Bazar, on the way, two persons travelling on motorcycle snatched the mobile from the informant and started fleeing away and on alarm being raised by the informant the villagers chased them, consequently, they fell down from the motorcycle, one of them was apprehended and another managed to escape from the scene. From the possession of one apprehended person who disclosed his name as Sanjeet Paswan, the petitioner, the stolen mobile of the informant was recovered. He also disclosed the name of another person who managed to escape from the scene as co-accused Subhash Sahani.

It is submitted by learned counsel for the petitioner that on the basis of suspicion the petitioner has been roped in the present case 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



was apprehended on the spot and stolen mobile was recovered from his possession.

Considering the fact that the 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, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 77 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, East Champaran at Motihari in



connection with Harsidhi P.S. Case No. 77 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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