

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25163 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- BUXAR District- Buxar

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Anis Kumar @ Anish Patel Son of Ajit Singh Resident of Village - Pakariyan,
P.S.- Dhansoi in the district of Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2020 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 24.04.2020 in a case registered for the offence punishable under Section 392 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Mr. Mritunjay, submitted to the S.H.O, Buxar (Town) Police Station is to the effect that on 23.02.2020, the informant, being proprietor of M/s Yogendra Nath Indane Gas Agency, Buxar along with his staff namely Jagannath were going to their house, carrying rupees four lakhs with them which was robbed by the three motorcycle borne miscreants, leading to registration of the F.I.R against three unknown persons. The name of the petitioner sprang up on the confession of co-accused Abhishek Kumar @ Dinkal and consequently, house of the petitioner was raided from where cash amount of Rupees Forty Thousands, one mobile and one Apache motorcycle were recovered.



It is submitted by learned counsel for the petitioner that recovered money was the own money which was kept for purchase of a submersible pump and the recovered motorcycle belongs to other person namely Anup Kumar. Moreover, the petitioner has not been put on Test Identification Parade and a statement has been made in para 3 of the petition that petitioner is not having any criminal antecedent.

Learned A.P.P submits that recovery of cash has been made from the possession of the petitioner.

Considering the fact that investigation has already been concluded, petitioner has not been put on Test Identification Parade and 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 learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 93 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 Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 93 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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