

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71652 of 2019

Arising Out of PS. Case No.-97 Year-2018 Thana- NIMACHANDPURA District- Begusarai

Gulshan Kumar @ Keshav Kumar Son of Ram Vinod Singh Resident of
Village - Ramdiri, P.S.- Matihani, Distt – Bagusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 17-06-2020 The matter has been taken up through virtual Court proceeding.

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

The petitioner is languishing in custody since
06.02.2019 in a case registered for the offence 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
Md. Asif submitted to the Station House Officer, Neema
Chandpura Police Station, is to the effect that on 05.10.2018, the
Hero Splendor motorcycle of the informant was robbed off,
leading to registration of the case against unknown. The name of
the petitioner sprang up on the confession of co-accused



Sanjeev Kumar.

It is submitted by learned counsel for the petitioner that neither there is any recovery from the possession of the petitioner nor the petitioner has been put on T.I. Parade and name of the petitioner sprang up on the confession of co-accused Sanjeev Kumar, statement to that effect has been made in paragraph nos. 8 and 9 of the petition. The investigation has already been concluded. The petitioner is accused in six other cases.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of co-accused during investigation, however, he does not controvert this fact that there is no recovery from the possession of the petitioner and petitioner has not been put on T.I. Parade.

Considering the fact that the petitioner has not been put on T.I. Parade and investigation being 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 the learned Judicial Magistrate, Ist Class, Begusarai in connection with Neema Chandpura P.S. Case No. 97 of 2018.

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 Judicial Magistrate, Ist Class, Begusarai in connection with Neema Chandpura P.S. Case No. 97 of 2018.

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.

However, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner gets substantially involved in some serious nature of offence or defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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