

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72043 of 2019

Arising Out of PS. Case No.-250 Year-2003 Thana- MADHEPUR District- Madhubani

Md. Sallauddin @ Md. Salauddin @ Salauddin S/o Late Md. Nazim @
Naseer @ Md. Sheikh Nazir @ Shekh Nazim Resident of Village- Ganeshpur,
P.O.- Ganeshpur, P.S.- Marauna, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 10-09-2020 The Court proceeding has been conducted through
virtual mode.

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

The petitioner languishing in custody since
17.04.2018 has renewed the prayer for bail in a case registered
for the offences punishable under Sections 395/412 of the Indian
Penal Code.

The prosecution case got initiated on the fardbeyan
of Bajrangi Panjiyar recorded by Station House Officer of
Lakhnaur Police Station on 31.10.2003 at 3.00 A.M., is to the
effect that on 30/31.10.2003, a robbery was committed in the
house of the informant, leading to registration of the FIR against



15-20 unknown persons. The name of the petitioner sprang up during investigation on the confession of co-accused Kanti Mukhiya, from whose possession the robbed articles were recovered.

It is submitted by learned counsel for the petitioner that except the confessional statement of co-accused no material has been collected against the petitioner during investigation. The petitioner is not named in the FIR. It is further submitted that similarly situated co-accused Ramji Mukhiya and Kailu Mukhiya, from whose possession robbed articles were recovered, have been acquitted after facing trial. Though, the petitioner is accused in two other cases of similar nature but in both the cases, he has been acquitted after facing trial.

Learned APP for the State submits that though the case was registered in 2003 and the charge sheet was submitted in 2007 but the petitioner was arrested on 17.04.2018 and absconding for more than 11 years.

Considering the ground of absconding, earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 08.01.2019 passed in Cr. Misc. No. 52197 of 2018.

Learned counsel for the petitioner submits that since the petitioner is resident of another district he was not



aware about his involvement in the present case as no notice was served upon him and there is no likelihood of trial being concluded in near future due to present pandemic, COVID-19.

Considering the fact that the name of the petitioner sprang up on the confession of co-accused, there is no recovery of robbed articles from the possession of the petitioner and the report of learned Additional Sessions Judge, Jhanjharpur dated 26.02.2020 reflects that out of 11 witnesses, only 2 witnesses have been examined, let the petitioner above named be released on bail for the present provisionally for a period of four months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge, Jhanjharpur, District – Madhubani in connection with Sessions Trial No. 56 of 2019, arising out of Lakhnour P.S. Case No. 250 of 2003.

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 four 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 Additional Sessions Judge, Jhanjharpur, District – Madhubani in connection with Sessions Trial No. 56 of 2019, arising out of Lakhnour P.S. Case No. 250 of 2003.

Further the provisional bail of the petitioner will be confirmed by the learned trial Court within four months, if the petitioner appear regularly during trial and learned trial Court is expected to conclude the trial within the said period.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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