

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83586 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- MEHUSH District- Sheikhpura

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KAMLESH KUMAR YADAV, Son of Ram chandra Yadav, Resident of
Village - Narayanpur, P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 30-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offence punishable
under Section 394 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Md. Sahid



Hussain recorded by S.H.O., Mehus Police Station on 21.07.2019 at 9.30 A.M. is to the effect that the informant is a driver of the Scorpio vehicle of Md. Nisar. On 21.07.2019, someone hired the Scorpio vehicle for a trip to Mehus in the District of Sheikhpura, but on the way, one other person, joined and thereafter, during onward journey, by putting chilly powered, robbed off the vehicle from the informant, leading to registration of FIR against two unknown. During investigation, the vehicle was seized from the house of the petitioner.

It is submitted by learned counsel for the petitioner that there was some dispute with regard to fare of the trip with the driver, hence, maliciously, the accusation has been levelled against the petitioner. Since, the vehicle in question was found parked in front of the house of the petitioner, hence, the recovery cannot be treated to have been made from the possession of the petitioner and the petitioner has never been put on Test Identification Parade. The petitioner is languishing in custody since 23.07.2019 and the investigation has already been concluded. It is further submitted that a statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, but he has been granted bail in that case.



Learned APP for the State submits that the vehicle in question has been recovered from the possession of the petitioner.

Considering the fact that the investigation has already been concluded and the petitioner has not been put on Test Identification Parade, 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 ACJM-I, Sheikhpura, in connection with Mehus P.S. Case No. 13 of 2019.

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.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 ACJM-I, Sheikhpura, in connection with Mehus P.S. Case No.



13 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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