

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85266 of 2019

Arising Out of PS. Case No.-382 Year-2015 Thana- MADHEPURA District- Madhepura

MD. SHAKIL @ LALWA, Son of Md. Shalauddin, Resident of Village -
Machhbakhra, P.S. and District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 31-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the
State.

The petitioner is languishing in custody since
31.08.2018, in a case registered for the offences punishable
under Section 392 of the IPC.

The prosecution case, as per the written report of
Anil Kumar, submitted to the S.H.O., Bharrahi O.P. Police
Station is to the effect that on 10.07.2015 at about 11 A.M., the
informant was going to Rahua from Madhepura, but on the way,
between Turkahi and Sabela, four miscreants on two
motorcycles came and robbed the motorcycle and a mobile
phone of the informant, leading to registration of the present



case against four unknown. During course of investigation, Tufani Yadav and Saroj Yadav were intercepted in connection with Barsoi P.S. Case No. 435 of 2015 and from whose possession, certain recovery was made and on the basis of their confessional statement, the house of Bablu Yadav was searched and from where, the robbed Pulsar motorcycle, for which Barahi P.S. Case No. 431 of 2015 was registered, was recovered. Subsequently, on the basis of confessional statement of co-accused Tufani Yadav, Saroj, Yadav and Bablu Yadav, the house of the petitioner was searched and from the house of the petitioner, a TVS motorcycle robbed in connection with Murliganj P.S. Case No. 76 of 2015 was recovered.

Learned counsel for the petitioner submits that with regard to the present case, there is no recovery from the conscious physical possession of the petitioner nor the petitioner has been put on T.I. Parade. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in ten cases, but in seven cases, he is on bail and with regard to three other cases, though, he is on bail, but since the petitioner was granted bail subsequent to filing of the present case, statement to that could not be made in the petition.



Learned APP submits that the name of the petitioner sprang up during investigation and a robbed motorcycle has been recovered from the possession of the petitioner.

Considering the fact that the investigation has already been concluded, the petitioner has not been put on T.I. Parade and in the present prevalent situation, created due to pandemic, Covid-19, there is no likelihood of trial being concluded in near future, let the petitioner above named be released on bail for the present provisionally for a period of six months on furnishing one surety to the satisfaction of the learned CJM, Madhepura, in connection with Madhepura (Bharrahi) P.S. Case No. 382 of 2015.

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 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 six months after taking a report from the concerned police station to the effect that the petitioner is substantially not involved in any other criminal case, 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 learned CJM, Madhepura, in connection with Madhepura (Bharrahi) P.S. Case No. 382 of 2015.

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

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for two consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/Ashwini

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