

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77896 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- MAJORGANJ District- Sitamarhi

RAJESH PATEL Son of Bharat Ray Resident of Village - Marpa Sirpal, P.S.-
Mejorganj, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr. Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 08-09-2020 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
01.09.2019, in a case registered for the offences punishable
under Sections 302 and 307/34 of the IPC and Section 27 of the
Arms Act.

The prosecution case, as per the fardbeyan of Anil
Kumar Singh, recorded by S.I. of Police, Jamshed Alam, on
27.06.2019 at about 2.15 P.M. at Sadar Hospital, Sitamarhi is to
the effect that on the same day, while the informant along with
his father proceeded to Sitamarhi by bus, but on the way, six
miscreants on three motorcycles came and made the bus stop
thereafter while entering into the same, they started snatching



the bag containing Rs. 1 lac from the father of the informant and on protest being made, the miscreants resorted to fire, as a result, the father of the informant died, subsequently, the miscreants escaped from the scene after snatching the bag containing money from the father of the informant, leading to registration of FIR against unknown persons and the driver and cleaner of the bus in question. The petitioner was not named in the FIR. His name subsequently sprang up on the confession of apprehended co-accused Shyam Pandey.

Learned counsel for the petitioner submits that no recovery has been made from the conscious physical possession of the petitioner and the petitioner has not been put on T.I. Parade. It is further submitted that prior to arrest of co-accused Shyam Pandey, three more accused persons were arrested, but they did not name the petitioner, and apprehended co-accused Shyam Pandey, on whose confession, the name of the petitioner sprang, has been granted bail by a Co-ordinate bench of this Court, vide order dated 02.07.2020, passed in Cr. Misc. No. 18912 of 2020, whereas, co-accused Mantu Sah has been granted bail by a Co-ordinate bench of this Court, vide order dated 28.05.2020, passed in Cr. Misc. No. 76505 of 2019. Moreover, investigation has already been concluded and in the



present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that there is no recovery from the possession of the petitioner, the name of the petitioner sprang up on the confession of apprehended co-accused person, the investigation has already been concluded, the petitioner has not been put on T.I. Parade and the trial is not likely to be concluded due to the pandemic, Covid-19, 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-1, Sitamarhi, in connection with Majorganj P.S. Case No. 107 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 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 learned ACJM, I, Sitamarhi, in connection with Majorganj P.S. Case No. 107 of 2019.

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 three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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