

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81444 of 2019

Arising Out of PS. Case No.-860 Year-2019 Thana- KANKARBAG District- Patna

1. Aryan Jaiswal @ Aryan Kumar Son of Krishna Jaiswal @ Krishn Prasad Jaysawal Resident of Village - Dhansurpur @ Ghansurpur, P.S.- Salimpur, Distt - Patna and Present resident of Ashok Nagar road No. 3 tenant of Mahesh Prasad, P.S.- Kankarbagh, Distt - Patna.
2. Sunny Kumar Son of Rajendra Prasad Resident of Village - Dhansurpur , P.S.- Salimpur, Distt - Patna and Present resident of Ashok Nagar road No. 3 tenant of Mahesh Prasad, P.S.- Kankarbagh, Distt – Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-06-2020 The matter has been taken up through virtual Court proceeding.

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

The petitioners are languishing in custody since
31.08.2019 in a case registered for the offences punishable
under Sections 379/411 and 414 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
Sunny Kumar submitted to the Station House Officer,



Kankarbagh Police Station, is to the effect that on 30.08.2019 the informant went to Defence colony with the motorcycle of his brother-in-law and parked the motorcycle in front of the gate of Defence colony park when two persons came on motorcycle and one person tried to flee away with his motorcycle but on alarm being raised, local people and apprehended both the persons, who disclosed their name as Aryan Jaiswal and Sunny Kumar, the petitioners.

It is submitted by learned counsel for the petitioner that the petitioners have been roped in the present case under misconception and investigation has already been concluded. The petitioners are accused in one another case.

Learned APP for the State submits that the petitioners were apprehended while fleeing away with the motorcycle.

Considering the nature of accusation, period under custody and the fact that the investigation has already been concluded, let the petitioners 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, Patna in connection with Kankarbagh P.S. Case No. 860 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 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each 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, Patna in connection with Kankarbagh P.S. Case No. 860 of 2019.

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.

(Dinesh Kumar Singh, J)

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