

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1136 of 2020

Arising Out of PS. Case No.-5 Year-2018 Thana- PATAHI District- East Champaran

BHIKHARI RAI Son of Sipahi Ray Resident of Village - Khurd Bokane,
P.S.- Patahi, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 23-06-2020 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 offences punishable
under Sections 413, 414, 420, 467, 468, 471 and 34 of the
Indian Penal Code, 1860.

The prosecution case as per the written report of Narendra
Kumar, S.I.-cum-S.H.O., Patahi Police Station submitted before
the learned ACJM-VIII, East Champaran is to the effect that on
13.01.2018 at 4.00 A.M., a confidential information was
received that stolen articles has been concealed in the house of
co-accused, Sipahi Rai where three accused persons also



sleeping. Consequently, the house of co-accused, Sipahi Rai was raided and two persons sleeping on a cot were apprehended who disclosed their names as Bhikhari Rai, the petitioner and co-accused, Arun Kumar Sahni. During search, the stolen articles, like a splendor motorcycle, shell, pearl, Rs.1700 /- cash and blank paper were recovered. The petitioner and other apprehended co-accused confessed that these articles are robbed articles. The petitioner confessed his guilt.

It is submitted by learned counsel for the petitioner that the recovery has been made from the house of co-accused, Sipahi Rai, hence, it cannot be treated from the conscious physical possession of the petitioner and confession before the police did not lead any recovery. The petitioner is languishing in custody since 15.01.2018 and the investigation has already been concluded. Moreover, neither the recovered article nor the petitioner has been put on Test Identification Parade. Though the petitioner is accused in two other cases, apart from the present case.

Learned APP for the State submits that the petitioner has been arrested from the place of recovery and apart from the present case, he is accused in two other cases.

Considering the fact that the recovery has been made



from the house of co-accused, Sipahai Rai, the investigation already being concluded and the period under custody, 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 Additional Sessions Judge-XVI, Motihari, East Champaran, in connection with Patahi P.S. Case No. 5 of 2018.

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 Additional Sessions Judge-XVI, Motihari, East Champaran, in connection with Patahi P.S. Case No. 5 of 2018.

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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