

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7506 of 2020

Arising Out of PS. Case No.-492 Year-2017 Thana- LAHERIYASARAI District- Darbhanga

BHUSHAN KUMAR @ BHUSHAN YADAV @ Bhushan Kumar Yadav Son
of SukhramYadav Resident of Village - Bhairpatti, P.S.- Bahadurpur,
District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the
State.

The petitioner has renewed his prayer for bail in a
case registered for the offences punishable under Sections
401/411/414/420/467/468/471/120B of the Indian Penal Code
and Sections 25(1-B)a, 35 of the Arms Act.

The prosecution case is based on the self-statement
of the informant, being the SHO of Laheriasarai Police Station
on 27.11.2017 at 16.45 Hours to the effect that to check the
increasing incidents of knifing and looting, a police team was
constituted to nab the accused persons and on the basis of a



CCTV footage, one yellow coloured Apache and accused, Hira Sahni was identified. During course of investigation, the said Apache motorcycle was recovered, but co-accused, Hira Sahni succeeded to escape from the scene. Subsequently, co-accused, Mukesh Kumar and the petitioner Bhushan Kumar were arrested. From the petitioner's possession one Scooty was recovered. The petitioner has also confessed his guilt to have participated in the occurrence of knife blow and loot.

It is submitted by learned counsel for the petitioner that the main accused, Hira Sahni has been granted bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 23315 of 2018, in spite of the fact that he was accused in five cases of similar nature, though, the petitioner is accused in four other cases. From the records, it appears that neither the petitioner nor the recovered scooty has been put on T.I. Parade and only on the basis of suspicion, the petitioner has been roped in the present case. The petitioner is languishing in custody since 28.11.2017. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in four other cases, but in all the cases, he is on bail, though statement to that effect has not been made in the petition. It is further submitted that earlier prayer for bail of the petitioner was rejected vide order



dated 03.01.2019, passed in Cr. Misc. No. 67671 of 2018 with a direction to the learned court below to expedite the trial. The report of the learned ACJM-VII, Darbhanga, dated 05.03.2020 reflects that even charge has not been framed as yet. Hence, 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 the trial being concluded in near future.

Learned APP submits that the alleged motorcycle has been recovered from the possession of the petitioner.

Considering the period under custody, the report of the learned ACJM-VII, Darbhanga to the effect that even charge has not been framed and in the present situation, due to pandemic, 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 three months on furnishing one surety to the satisfaction of the learned CJM, Darbhanga in connection with Laheriasarai P.S. Case No.492 of 2017.

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 CJM, Darbhanga in connection with Laheriasarai P.S. Case No.492 of 2017.

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.

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

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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