

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8630 of 2020

Arising Out of PS. Case No.-11 Year-2018 Thana- BEERPUR District- Begusarai

Sikandra Sahani S/o Dinesh Sahani Resident of- Chandaaur, P.S.- Bhagwanpur,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 09-07-2020 The matter has been taken up through virtual Court proceeding.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in jail since 28.7.2019 in a case registered for the offences punishable under Sections



307,397 and 427 of the IPC and Section 27 of the Arms Act. Hence, prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Sudhir Kumar, Assistant Manager, UCO Bank recorded on 30.5.2018 at 12.30 P.M. at Sadar Hospital, Begusarai, is to the effect that 5-6 miscreants entered in the bank, broke the CCTV camera but they failed to open the strong room of the bank and they opened fire causing injury in the leg of Vikay Kumar, Assistant Manager of the bank. On alarm, when several people came then all the miscreants fled away from the bank, leading to registration of FIR against 5-6 unknown persons.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up on the confession of co-accused Mukesh Sahani and Pritam Jayswal. There is no recovery from the possession of the petitioner. It is further submitted that investigation has already been concluded but the petitioner has not been put on Test Identification Parade. Co-accused Mukesh Sahani and Pritam Jayswal have been granted bail vide Cr. Misc. Nos. 79312 of 2018 and 22272 of 2019 by Co-ordinate benches of this Court. Similarly other co-accused persons have also been granted bail though most of the co-



accused persons are having criminal antecedent. It is further submitted that though statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent but it was on stated on wrong instruction. Hence, a supplementary affidavit has been filed stating therein that the petitioner is accused in four other cases, but he is on bail in all those cases.

Learned APP and learned counsel for the informant submit that the petitioner firstly tried to suppress the factum of his having criminal antecedent but now it has been brought on record through supplementary affidavit that the petitioner is accused in four other cases, out of which three case are of serious nature hence, he does not deserve bail.

Considering the fact that the name of the petitioner sprang up on confession of co-accused who have been granted bail, the petitioner has not been put on Test Identification Parade and the investigation already being concluded, coupled with the period in 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 ACJM-I, Begusarai in connection with Birpur P.S. Case No. 11 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 of the like amount each to the satisfaction of the learned ACJM-I, Begusarai including one surety given at the time of provisional bail.

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

This application is accordingly disposed of.

(Dinesh Kumar Singh, J)

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