

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3651 of 2020

Arising Out of PS. Case No.-340 Year-2014 Thana- AGAMKUAN District- Patna

AKIL AHMAD Son of Late Sakil Ahmad @ Late Md. Sakeel Resident of Village - Phulsathar, P.S.- Kurtha, Distt.- Arwal. At present - Naya Tola Isha Nagar, in the house of Banarsi, P.S.- Phulwarisharif, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mira Kumari

For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-05-2020 Heard.

The matter has been taken up through virtual Court proceeding.

The petitioner is languishing in jail since 1.9.2014 in a case registered for the offences punishable under Sections 302 and 120B/34 of the IPC and Sections 3(2)v, 3(1)v, 3(i)(x) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The prosecution case, as per the Fardbeyan of Lala Manjhi recorded by SI Krishna Murari of Agamkua Police Station on 31.8.2014 at NBCC Campus, T.V. Tower, Agamkuan, Patna. It is alleged that on 30.8.2014, the son of the informant, namely, Suraj Manjhi along with neighbours Dharmendra Kumar,



Jitendra Kumar, Mithu Manjhi, Mangal Manjhi, Dhanna Manjhi and Deep Narain Manjhi were sleeping in the hutment in the premises of NBCC when a truck crushed all the seven persons, out of which, Suraj Manjhi, Dharmendra Kumar, Jitendra Kumar, Mithu Manjhi and Mangal Manjhi died on the spot whereas Dhanna Manjhi and Deep Narayan Manjhi received injury.

It is submitted by learned counsel for the petitioner that the petitioner was not named in the FIR and his name transpired subsequently during investigation to the effect that the petitioner, in the background of land dispute, alleged to have got seven persons crushed but on conclusion of investigation, charge sheet has been submitted under Sections 304 and 325/34 of the IPC and under Sections 3(2)(v) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Subsequently vide order dated 1.12.2014 the learned ACJM, Patnacity took cognizance under the same provisions of the IPC and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned APP submits that during investigation, name of the petitioner sprang up as in the background of land dispute the petitioner got seven persons crushed through a truck.



Considering the fact that on conclusion of investigation, the case has been found true only under Section 304 and 325/34 of the IPC and under Sections 3(2)(v) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the petitioner has been in custody since more than five years and there is no likelihood of the 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 Additional District and Sessions Judge- VII, Patna City, Patna in connection with S.T. No. 173 of 2017 arising out of Agamkuan P.S. Case No. 340 of 2014.

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



Additional District and Sessions Judge- VII, Patna City, Patna in connection with S.T. No. 173 of 2017 arising out of Agamkuan P.S. Case No. 340 of 2014 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 lock down is not over in three months.

(Dinesh Kumar Singh, J)

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