

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6697 of 2020

Arising Out of PS. Case No.-12 Year-2019 Thana- BANSHI District- Jehanabad

MAHIL YADAV @ SANTOSH KUMAR S/o Ramesh Yadav R/o village-
Sonbhadra Mathiya, P.S.- Banshi, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh
For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 26-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and the State.

Initially the present application was filed with a prayer for provisional bail of the petitioner, but subsequently, I.A. No. 1 of 2020 has been filed with a prayer for amendment of prayer to the effect that the application be heard on merits.

I.A. No. 01 of 2020 is allowed to the extent of amendment of prayer.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 427, 504 and 506 of the IPC.

The petitioner's earlier bail application was rejected by a co-ordinate bench of this Court, vide order dated



14.08.2019, passed in Cr. Misc. No. 37648 of 2019 with a liberty to the petitioner to renew prayer for bail, if the trial is not concluded within a period of nine months.

The prosecution case, as per the written report of Seetal Ram, submitted to the S.H.O., Banshi Police Station is to the effect that on 14.02.2019 at about 6 P.M., the son of the informant, Santosh Kumar went to market to bring the household articles, but on the way, he was being assaulted by co-accused Raju Ram, Sohan Ram, Manmohan Ram and the petitioner, Mahil Yadav. On alarm being raised, the informant and others reached and found his son lying on the ground with bleeding injury on his head. The reason for assault is that earlier in the background some petty dispute, the son of the informant had some scuffle with 10 to 15 unknown persons, though that was pacified by the local people.

It is submitted by learned counsel for the petitioner that the investigation has already been concluded. Earlier prayer for bail of the petitioner was rejected with liberty to the petitioner to renew prayer for bail if the trial is not concluded within a period of nine months, but still only charges have been framed and no witness has been examined and 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 trial being conclude in near future. Moreover, similarly situated co-accused Sohan Ram and Raju have been granted bail by a Co-ordinate bench of this Court, vide order dated 26.08.2019 and 01.08.2019, passed in Cr. Misc. No. 39713 of 2019 and 46211 of 2019, respectively. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and the petitioner is languishing in custody since 28.02.2019.

Learned APP submits that the accusation against the petitioner is specific.

Considering the fact that similar accusation has been levelled against four accused persons, out of whom, two accused persons have been granted bail by different Co-ordinate benches of this Court and the liberty given to the petitioner while rejecting earlier prayer for bail to renew prayer for bail if the trial is not concluded within a period of nine month, 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, Arwal in connection with Banshi P.S. Case No. 12 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 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 learned ACJM, Arwal in connection with Banshi P.S. Case No. 12 of 2019.

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.

(Dinesh Kumar Singh, J)

Amrendra/-

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