

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7591 of 2020

Arising Out of PS. Case No.-372 Year-2019 Thana- AMARPUR District- Banka

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BIBEK YADAV @ BIBEKANAND YADAV @ BIBEKA YADAV Son of
Late Bateshwar Yadav Resident of Village - Dharpur, P.S.- Amarpur,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 31-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since
08.11.2019, in a case registered for the offences punishable
under Sections 324 and 307/34 of the IPC and Sections 3/4 of
the Explosive Substances Act.

The prosecution case, as per the fardbeyan of
Dinesh Yadav, recorded by A.S.I., Md. Jamsed Khan, on
04.08.2019 at 7.45 A.M., at Jawahar Lal Nehru Medical College
and Hospital, Bhagalpur is to the effect that on 03.08.2019 at
about 6 P.M., the informant along with his wife and son was
sitting near his door, in the meantime, at about 7 P.M., the
petitioner, Bibek Yadav, co-accused, Sanjay Yadav and Mantu



Yadav came and started abusing the informant and on protest being made, the petitioner hurled explosive, as a result, the informant, his wife and son got severely injured, leading to registration of the present case.

Learned counsel for the petitioner submits that the petitioner has falsely been roped in the present case as the informant is having notorious past and he has been convicted for the murder of the father of the petitioner. The accusation of causing injury with explosive is not being corroborated by the injury report as the informant has received two injuries, out of which, one injury has been found grievous, but the same has been caused by hard and blunt substances, whereas the wife and son of the informant have received simple injuries. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. The investigation has already been concluded and in the present prevalent situation, created due to pandemic, Covid-19, since the court proceeding is not properly functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the petitioner is named in the FIR with specific accusation of



hurling explosive.

Considering the fact that the investigation has already been concluded, the accusation of causing injury by explosive is not being corroborated by the medical opinion, the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, 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, Banka, in connection with Amarpur P.S. Case No. 372 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 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, Banka, in connection with Amarpur P.S. Case No. 372 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.

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)

Amrendra/Ashwini

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