

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7785 of 2020

Arising Out of PS. Case No.-691 Year-2019 Thana- KATIHAR District- Katihar

Kalu Jha, Son of Naresh Mohan Jha, Resident of Mohalla- Shiv Mandir Chowk, Katihar, P.S.- Katihar (Town), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-06-2020 The matter has been taken up through virtual Court proceeding.

None appears for the petitioner. However, Mr. Uma Shankar Prasad Singh, learned APP appearing for the State is present.

The present application has been preferred on behalf of the petitioner for grant of bail, languishing in custody since 25.10.2019, in connection with a case registered for the offences punishable under Sections 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Dablu Sah recorded by S.I., P.K. Bharti of Katihar Town P.S. on 17.10.2019 at 9.30 P.M. at Max Hospital, Purnea, is to the effect that on the same day at 7.30 P.M., the informant was at his tiles shop situated at Shiv Mandir Chowk, in the meantime, one



Birendra Kumar Yadav came in his shop to purchase tiles, when time two unknown persons also entered into his shop and resorted to fire which hit to Birendra Kumar Yadav in his back and second firing caused injury to the informant. Thereafter, both the persons fled away.

From the pleadings, it appears that the name of the petitioner sprang up in the statement of co-accused Binod Kumar Yadav and there is no recovery from the possession of the petitioner. The petitioner has not been put on T.I. Parade and he is languishing in judicial custody since 25.10.2019. However, the petitioner is also accused in three other cases but he is on bail in all those cases.

Learned APP, however, submits that the name of the petitioner sprang up in the statement of co-accused.

Considering the fact that the name of the petitioner sprang up in the statement of co-accused, FIR has been lodged against unknown, petitioner has not been put on T.I. Parade and investigation has already been concluded, 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 Chief Judicial Magistrate, Katihar in connection with Katihar (Town) P.S. Case No. 691 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 upon 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 the learned Chief Judicial Magistrate, Katihar in connection with Katihar (Town) P.S. Case No. 691 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

