

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20556 of 2020

Arising Out of PS. Case No.-94 Year-2018 Thana- ISHIPUR District- Bhagalpur

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DABLU RAVIDAS @ DABLU KUMAR DAS Son of Late Sita Ram
Ravidas @ Sita Ram Das Resident of Village - Mirzazanwa, P.S.- Ishpure,
Barahat, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Prasad Roy

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-07-2020 The matter has been taken up through virtual court
proceeding.

Since, the physical court is not functional, due to
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within the said period,
the office will again place the matter on board.

Heard learned counsel for the petitioner and the State.

The petitioner, who is languishing in custody since
23.11.2019, has preferred the present application for grant of



bail in a case registered for the offences punishable under Sections 302/34 of the IPC.

The prosecution case, as per the fardbeyan of Anita Devi, recorded by S.I.-cum-S.H.O., Jitendra Pal, Ishipur Barahat Police Station on 19.02.2018 at 8.30 P.M., is to the effect that the informant's husband, Dheeraj Singh was a truck driver and he used to transport wheat flour from the flour mill of co-accused Samshad @ Laddu. On 18.08.2018, co-accused Samshad @ Laddu called on the mobile phone of the husband of the informant and asked him to come as soon as possible, whereupon the husband of the informant left the house at 6 A.M. The informant could not make contact with her husband because she was not having any mobile phone. On 19.08.2018 at about 5 P.M., the co-villagers conveyed the informant that the dead body of her husband is lying near Itahri village. Consequently, the informant went there and found the dead body of her husband. The co-villagers suggested that the husband of the informant was lastly seen in the company of petitioner Dablu Ravidas and the co-accused person who used to work with the victim as a cleaner. Hence, the informant suspected that co-accused Samshad @ Laddu, the petitioner, Dablu Ravidas and the other co-accused person, who works



with the victim as a cleaner killed the husband of the victim.

It is submitted by learned counsel for the petitioner that except the evidence of last seen, there is no direct evidence of the involvement of the petitioner in the present case and informant is not the eye-witness to the alleged occurrence. The impugned order also suggests that the co-villagers only saw the victim lastly in the company of the petitioner and other co-accused persons. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, no motive of the alleged occurrence has been alleged.

Learned APP submits that the impugned order suggests that the many co-villagers had seen the victim in the company of the petitioner and other co-accused persons and the petitioner is named in the FIR.

Considering the fact that the accusation is based on circumstantial evidence, the investigation has already been concluded and the 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



Additional Chief Judicial Magistrate-VIII, Bhagalpur in connection with Ishipur Barahat P.S. Case No. 94 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 including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Bhagalpur in connection with Ishipur Barahat P.S. Case No. 94 of 2018.

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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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