

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20652 of 2020

Arising Out of PS. Case No.-613 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

MD. GULAB S/o Md. Rahamtullah Resident of Village- Bejhadih, P.S.-
Samastipur Mufassil, Distt- Samsatipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four week of resumption
of court proceeding in physical mode.

If the defect(s) is not removed within the
undertaken period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner has renewed his prayer for bail in a
case initially registered for the offences punishable under



Sections 109, 147, 148, 149, 30, 323, 324, 341, and 504 of the IPC, subsequently, Sections 302, 153A and 120B of the IPC were also added.

The prosecution case, as per the written report of Kamesh Kumar Rai, submitted to the Station House Officer, Samastipur Muffasil Police Station is to the effect that on 27.10.2019 at about 8 P.M., the nephew of the informant, Pintu Kumar was coming from Musrigharari to his home when he was intercepted by Md. Alijan Miyan and Md Soyeb and on protest being made, they abused the nephew of the informant, but subsequently, the issue was pacified. On 28.10.2018, when the informant's son, Manish Raj was going to call the labourers, on the way, the petitioner assaulted him with Khanti on his head and thereafter all the other co-accused persons also assaulted him. Subsequently, the son of the informant was taken to D.M.C.H., Darbhanga from where he was referred to P.M.C.H., where he succumbed to the injuries.

Learned counsel for the petitioner submits that the informant is not the eye-witness to the alleged occurrence and only one injury has been found on the head of the son of the informant when the accusation of assaulting him is against several accused persons. There is no accusation of repeating



blow by the petitioner. It is further submitted that earlier prayer for bail of the petitioner was rejected vide order dated 22.05.2019, passed in Cr. Misc. No. 24541 of 2019. The petitioner is languishing in custody since 01.12.2018 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 concluded in near future.

Learned APP for the State submits that the petitioner is named in the FIR and the accusation of assaulting the son of the informant by khanti is specific against him.

Considering the fact that the accusation of assaulting the son of the informant with khanti is specific against the petitioner and the report of the learned District and Sessions Judge, Samastipur, dated 12.08.2020 reflects that out of nine witnesses, four witnesses have been examined and the trial is likely to be concluded within a period of six months, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner, in connection with Samastipur Muffasil P.S. Case No. 613 of 2018, S. Tr. No. 33 of 2019, pending in the court of learned Sessions Judge, Samastipur is rejected.

However, if the trial is not concluded within a



period of six months of resumption of court proceeding in physical mode, the petitioner will be liberty to renew prayer for bail.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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

