

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20559 of 2020**

Arising Out of PS. Case No.-221 Year-2019 Thana- RIGA District- Sitamarhi

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UMASHANKAR PRASAD S/o Late Devnarayan Mahto Resident of Village-
Madhiya, P.S.- Sonbarsa, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 03-07-2020 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 undertaken
period, the office will again place the matter on board.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
05.01.2020, has preferred the present application for grant of



bail in a case registered for the offences punishable under Sections 341, 323 and 307/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Priyanka Kumari, submitted to the S.H.O., Riga Police Station is to the effect that on 10.08.2019 at 2.30 P.M., the informant was travelling from Sitamarhi to Rohua along with her brother by a motorcycle, but on the way, certain people travelling by a Scorpio vehicle, intercepted the informant and her brother and from the said vehicle, co-accused Shubhnarayan Mahto and Vivek Kumar came out and tried to drag the informant in the alleged Scorpio vehicle, which was being driven by the petitioner. In the said vehicle, co-accused Harishankar Chaudhary and Anjali Devi were also present. Thereafter, the informant and his brother managed to free themselves and began to flee away from the scene, but co-accused Shubhnarayan Mahto resorted to fire causing injury to the informant.

It is submitted by learned counsel for the petitioner that the petitioner is the own uncle of the informant. The husband of the informant, Vidya Bhushan Prasad killed his father, Harishankar Prasad, for which, step mother of the



husband of the informant, Anjali Devi, who is accused in the present case, lodged Riga P.S. Case No. 323 of 2019 under Sections 302/34 of the IPC, against the husband of the informant and others and in order to save their skin from that case, the present false case has been lodged. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in two other cases.

Learned APP submits that the petitioner was driving the alleged vehicle from which the informant was sought to be kidnapped and the petitioner is named in the FIR.

Considering the accusation being levelled in the background of litigated relationship between the parties, investigation already being concluded and period under custody, 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 Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 221 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 Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 221 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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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