

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20266 of 2020

Arising Out of PS. Case No.-143 Year-2019 Thana- SABAUR District- Bhagalpur

1. DABLU YADAV Son of Ranjeet Mandal Resident of Village - Lailakh, Police Station - Sabour, District - Bhagalpur.
2. Ranjeet Mandal Son of Hari Yadeav Resident of Village - Lailakh, Police Station - Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2020 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 petitioners, who are languishing in custody since 21.11.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 147, 148, 149, 325 and 302 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Mantu Nishad, recorded on 18.05.2019 at 2.30 A.M. by S.I. of sabaur Police Station, Nand Mohan Singh is to the effect that on 17.05.2019 at about 8 P.M., the family members of the informant went to a local fare where certain people of a particular community started eve teasing with the female family members of the informant, when the family members informed the informant, whereupon the informant and others went to the fare and ultimately, the issue was pacified, but about 9.30 P.M., 25-30 persons of the said particular community, by scaling the roof, entered into the house of the informant and started assaulting the informant. It is specifically alleged that co-accused Rohit Yadav resorted to fire, which hit on the neck of the son of the informant, namely, Aman Kumar and thereafter all the accused persons escaped from the scene. Ultimately, the son of the informant succumbed to the injuries, leading to registration of FIR.



It is submitted by learned counsel for the petitioners that due to enmity, 23 persons including the petitioners have been named in the FIR. The accusation against the petitioners is omnibus and general. The specific accusation of firing is alleged against co-accused Rohit Yadav and not against the petitioners. 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 petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that the accusation against the petitioners are omnibus and general, the investigation has already been concluded and the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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, Bhagalpur in connection with Sabur P.S. Cased No. 143 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) each with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabur P.S. Cased No. 143 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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