

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20548 of 2020

Arising Out of PS. Case No.-32 Year-2019 Thana- SONBERSA District- Sitamarhi

MD. RASUL SHEIKH @ MD. RASUL, Son of Safi Mohmad Sheikh @ Safi Sheikh, Resident of Village - Khap Khopraha @ Khopraha, P.S. - Kanhauli, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2020 The matter has been taken up through virtual Court proceeding.

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

Learned counsel for the petitioner undertakes to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the Bench.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has preferred the present application for grant of bail in a case registered for the offence punishable under



Sections 341, 323, 307 and 506/34 of the Indian Penal Code, 1860.

The prosecution case as per the fardbeyan of Chandan Kumar recorded by Bigan Ram, S.I. of Sonbarsa Police Station on 18.11.2018 at 10.50 A.M. is to the effect that on 17.11.2018, while the informant along with his friend, Indal Mahto was travelling on a car, on the way, when he got down from the car to ease out, three motorcycle borne criminals came and one of them resorted to fire upon the informant. Though the informant claimed to have identified two miscreants and disclosed their names as Md. Rasul, the petitioner and co-accused, Vijay Kumar.

It is submitted by learned counsel for the petitioner that accusation has falsely been levelled against the petitioner. Moreover, the injury is on the non-vital part of body of the informant and the nature of injury has not been discussed in the impugned order. The petitioner is languishing in custody since 20.04.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in six other cases, but he has been granted bail in all those cases.

Learned APP for the State submits that the petitioner was identified by the informant as assailant and he is having



serious criminal antecedent.

Considering the fact that the impugned order does not suggest the nature of injury caused to the informant as grievous and the 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 ACJM-IV, Sitamarhi, in connection with Sonbarsa P.S. Case No. 32 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 the learned ACJM-IV, Sitamarhi, in connection with Sonbarsa P.S. Case No. 32 of 2019.

The learned Court below will further 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.

In view of the serious criminal antecedent of the petitioner, the learned Court below is at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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