

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20377 of 2020

Arising Out of PS. Case No.-134 Year-2019 Thana- JHAJHA RAIL P.S. District- Lakhisarai

KUNDAN KUMAR S/o Late Munna Rawat Resident of Village-Phulwariya,
P.S.-Malaypur, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-09-2020 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 weeks 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 is languishing in custody since
16.09.2019, in a case registered for the offences punishable
under Sections 302, 201 and 120B/34 of the IPC.

The prosecution case, as per the written report of



Geeta Devi submitted to the Jamui Railway Police Station is to the effect that on 09.09.2019 at 11 A.M., on the call made by the petitioner, the daughter of the informant, Kajal Kumari left the house, but she did not return, thereafter, the informant called on the mobile phone of the victim and the petitioner, who happens to be own brother of the husband of the elder sister of the victim, with whom, the marriage of the victim was fixed, but the phone call went unresponded. Subsequently, the dead body of the victim was recovered from the railway track, near Jamui Railway Police Station.

Learned counsel for the petitioner submits that the prosecution version fails to suggest any motive for the alleged occurrence. There was no occasion for the petitioner to kill the victim and only on the basis of suspicion, the petitioner has been roped in the present case. There is no eye-witness to the alleged occurrence and the confession of the petitioner has forcefully been obtained by the police. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. The investigation has already been concluded 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 when the informant raised suspicion against the petitioner.

Considering the circumstantial nature of accusation, the investigation already being concluded and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with 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 Railway Judicial Magistrate, Kiul,, in connection with GRP/Jhajha (Jamui) P.S. Case No. 134 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 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 Railway Judicial Magistrate, Kiul,, in connection with GRP/Jhajha (Jamui) P.S. Case No. 134 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/Ashwini

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