

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20569 of 2020**

Arising Out of PS. Case No.-207 Year-2019 Thana- SAHARSA District- Saharsa

MD. HAIDER S/o Md. Alam Resident of Village- Gangjala, Ward -15, P.S.-
Sadar, Distt- Saharsha

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Pratik Kumar Sinha, APP

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

3 10-09-2020 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
01.09.2019, in a case registered for the offences punishable
under Sections 302 and 120B of the IPC.



The prosecution case, as per the fardbeyan of Mohan Mistri, recorded by S.I. of Police, Gonda Ram on 07.03.2019 at about 3.30 P.M. is to the effect that 05.03.2019 at about 4 P.M., Aniket Kumar and Dinkar Kumar took the son of the informant, Pankaj Kumar on a motorcycle, but the son of the informant did not return till late night and when call was made on the mobile phone of the victim, it was found switched off. On the next day, the informant went to the house of Aniket Kumar and Dinkar Kumar where they were not present. Thereafter, the informant tried to contact those two boys, in whose company, the son of the informant went, whereupon they conveyed the informant that they will return next day. On the next day, they came to the house of the informant and said that they left the son of the informant at Bhati Chauk, Saharsa. Subsequently, near the railway track, the dead body of the son of the informant, with face being crushed with stones, was recovered. Subsequently, suspicion was raised against co-accused Nawal Yadav, Manoj Sah and Mahendra Yadav, who used to threaten the son of the informant. The petitioner was not named in the FIR. His name subsequently sprang up during investigation in the supervision note of Dy. S.P., where it is alleged that Reena Devi, the wife of the deceased lodged Saharsa Sadar P.S. Case No.



714 of 2018 against the petitioner and others for making attempt of robbery when it was suspected that co-accused Baban Sharma, who is accused in a case of murder, in league with the petitioner killed the son of the informant.

Learned counsel for the petitioner submits that except the supervision note of the Dy. S.P., there is nothing against the petitioner. The petitioner was not named in the FIR nor the informant even raised suspicion against the petitioner and there is no eye-witness to the alleged occurrence. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case. Moreover, 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 name of the petitioner sprang up during investigation.

Considering the suspicious nature of accusation, the investigation already being concluded and the fact that the trial is not likely to be concluded due to the pandemic, Covid-19, 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 Additional Sessions Judge-V, Saharsa, in connection with Saharsa P.S. Case No. 207 of 2018.

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 Additional Sessions Judge-V, Saharsa, in connection with Saharsa P.S. Case No. 207 of 2018.

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)

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