

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20354 of 2020

Arising Out of PS. Case No.-77 Year-2019 Thana- SALIMPUR District- Patna

MANISH KUMAR Son of Late Birendra Mahto @ Kuku Das Resident of
Village - Nakhas Pind Om Colony Patna City, P.S. - Malsalami, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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
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



06.12.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 302 and 394/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Brahamdeo Yadav, submitted to the S.H.O., Salimpur Police Station is to the effect that on 19.04.2019, the informant received an information that his son, Ashok Yadav, who went to attend the marriage ceremony of his cousin brother-in-law (Sala), has been killed by four miscreants. The cousin brother-in-law of the victim conveyed to the informant that he saw the assailants and he claimed to have identified them, leading to registration of FIR against unknown. The name of the petitioner sprang up on the statement of co-accused Rahul Kumar and Manish Kumar, as well as from the statement of the petitioner recorded in Salimpur P.S. Case No. 90 of 2019.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. The informant's relative claimed to have identified the assailants, but the petitioner has not been put on T.I. Parade. Moreover, the statement of the petitioner, made before the police, led to no recovery. A statement has been made



in paragraph no.3 of the petition that the petitioner is accused in one other case in which he is on bail.

Learned APP submits that the name of the petitioner sprang up during investigation on the confession of co-accused persons.

Considering the fact that the informant's relative claimed to have identified the assailants, but in spite of that, the petitioner was not put on T.I. Parade, the investigation has already been concluded and the 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 J.M., Barh, Patna in connection with Salimpur P.S. Case No. 77 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 J.M., Barh, Patna in connection with Salimpur P.S. Case No. 77 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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