

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20235 of 2020

Arising Out of PS. Case No.-733 Year-2019 Thana- DEHRI TOWN District- Rohtas

Pawan Kumar Son of Raj Kumar Singh Resident of Village - Katar, P.S. -
Indrapuri (Dehri), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Amrendra Narayan Rai, Advocate
For the State	:	Mr. Umeshanand Pandit. APP
For the Informant	:	Mr. Dhananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects the office will place the matter before the bench.

The petitioner is languishing in custody since 13.12.2019 in a case registered for the offences punishable under Sections 147, 148, 149, 302, 307, 504 of the Indian Penal



Code and Section 27 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Ajit Kumar recorded by S.I., Matendra Kumar on 23.10.2019 at 8.21 P.M., is to the effect that the the informant on the land for which he had an agreement with one Arun Kumar was enjoying picnic, in the meantime, six accused persons including the petitioner came and on the instigation of co-accused Ram Kumar Singh, the accused persons resorted to fire. It is alleged that co-accused Hira Singh resorted to fire with rifle, causing injury on the left hand of the informant, co-accused Manish Kumar fired from his rifle to Dhananjay Kumar, who subsequently, succumbed to the injury. It is alleged against the petitioner and co-accused Ram Pratap Singh to have resorted to fire on Deepak Kumar.

It is submitted by learned Senior counsel for the petitioner that it is specifically alleged against co-accused Manish Kumar to have fired at Dhananjay Kumar, who succumbed to the injury. The accusation against the petitioner and co-accused Ram Pratap Singh to have fired at Deepak Kumar, but co-accused Ram Pratap Singh has been granted anticipatory bail by Co-ordinate bench of this Court vide order dated 28.02.2020 passed in Cr. Misc. No. 8347 of 2020. The



order has been brought on record as Annexure-3. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant and the State submit that there is specific accusation against the petitioner to have fired upon Deepak Kumar.

Considering the fact that the case of the petitioner is not distinguishable from co-accused Ram Pratap Singh, who has been granted anticipatory bail by a Co-ordinate bench of this Court, the investigation has already been concluded and statement made in paragraph no.3 of the petition 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 Judicial Magistrate, Ist Class, Dehri On Sone, Rohtas in connection with Dehri Town (Indrapuri) P.S. Case No. 733 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 upon 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 Judicial Magistrate, Ist Class, Dehri On Sone, Rohtas in connection with Dehri Town (Indrapuri) P.S. Case No. 733 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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