

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20313 of 2020

Arising Out of PS. Case No.-440 Year-2018 Thana- GOPALPUR District- Bhagalpur

VIDYANAND MANDAL S/o Siyaram Mandal Resident of Village- Pokharia
(Karchira), P.S.- Gopalganj, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Akshay Lal Pandit

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 18.01.2020, has preferred the present application for grant of bail in a case registered for the offences punishable under



Sections 147, 148, 149 and 302 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Neelam Devi, submitted to the S.H.O., Gopalpur Police Station is to the effect that on 05.12.2018 at about 10 P.M., the informant along with his family members were sleeping in the house whereas the father-in-law of the informant, Ramdev Mandal was sleeping near the door of the house. In the meantime, on hearing the gunshot firing, the informant woke up and when she reached near the door of the house, she found her father-in-law with injuries in restless condition and also saw eight accused persons including the petitioner fleeing away from the place of occurrence.

It is submitted by learned counsel for the petitioner that admittedly, the informant is not the eye-witness to the alleged occurrence and only on the basis of suspicion, in the background of land dispute, the petitioner has been roped in the present case. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, similarly situated co-accused, Mehdi Mandal @ Mahendi Mandal @ Mahendra Mandal, Ashok Mandal, Shankar Mandal



& Ors, Sakal Mandal @ Sakkal Mandal @ Sakla Mandal and Hardeo Manda and Ors have been granted bail by different Co-ordinate benches of this Court, vide order dated 01.05.2019, 20.05.2019, 21.06.2019, 28.06.2019 and 12.07.2019, passed in Cr. Misc. Nos. 28321 of 2019, 18281 of 2019, 37687 of 2019, 38608 of 2019 and 28215 of 2019, respectively.

Learned APP submits that the petitioner is named in the FIR and he was found fleeing away from the place of occurrence.

Considering the fact that the informant is not the eye-witness to the alleged occurrence, the accusation has been levelled in the background of land dispute, the investigation has already been concluded, similarly situated co-accused persons have been granted bail by different Co-ordinate benches of this Court coupled with the 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 Additional District and Sessions Judge-II, Naugachia, Bhagalpur in connection with Sessions Trial No. 064 of 2020, C.I.S. No. 064 of 2020, arising out of Gopalganj P.S. Case No. 440 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 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 District and Sessions Judge-II, Naugachia, Bhagalpur in connection with Sessions Trial No. 064 of 2020, C.I.S. No. 064 of 2020, arising out of Gopalganj P.S. Case No. 440 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)

Amrendra/-

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