

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20838 of 2020

Arising Out of PS. Case No.-170 Year-2018 Thana- KATORIYA District- Banka

=====

UMAKANT MANDAL Son of Karu Mandal Resident of Village -
Ghagharijore, P.S.- Katoria, District- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Brajendra Nath Pandey

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 09-09-2020 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
08.01.2020, in a case initially registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 342, 427,



752, 307, 354B, 504 and 506 of the IPC, Subsequently, Section 302 of the IPC was also added.

The prosecution case, as per the written report of Vijay Yadav, submitted to the S.H.O., Katoriya Police Station is to the effect that on 21.09.2018 at about 7 P.M., the son of Kewal Yadav, namely, Pappu Kumar was fighting with the son of Panchanand Yadav, namely, Sanjay Kumar. Subsequently, the issue was pacified, but subsequently, the other sons of Kewal Yadav, namely co-accused, Prem Yadav, Indradev Yadav and the petitioner Umakant Mandal came and caught hold of the nephew of the informant, Sunil Yadav and started assaulting him then the nephew of the informant ran away from the scene and thereafter accused persons entered into the house of the informant and started assaulting the informant's side. It is alleged that this petitioner assaulted the brother of the informant, Ganesh Yadav with axe on his head. Subsequently, the brother of the informant, Ganesh Yadav succumbed to the injuries during treatment.

Learned counsel for the petitioner submits that the accusation has been levelled in the background of petty dispute between the children of both sides. The accusation against the petitioner is to have assaulted the brother of the informant with



axe, but the injury has been found caused by hard and blunt substance. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. 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 accusation against the petitioner is specific and he is named in the FIR.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, in connection with Katoria P.S. Case No. 170 of 2018, pending in the Court of learned J.M., 1st Class, Banka, is rejected.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

