

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20686 of 2020

Arising Out of PS. Case No.-318 Year-2019 Thana- WAJIRGANJ District- Gaya

SUKHDEO YADAV Son of Tulsi Yadav Resident of Village - Maya Bigha,
P.S. - Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha

For the Opposite Party/s : Mr.Choubey Jawahar

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
30.09.2019 in a case registered for the offence punishable under
Section 302 of the IPC.



The prosecution case, as per the fardbeyan of Md. Danish, recorded by S.I. Amber Singh, on 11.09.2019 at about 9.15 A.M. is to the effect that on 09.09.2019, the mother of the informant informed the informant through mobile phone that the petitioner is assaulting the father of the informant and the mother of the informant went on the spot and saw that the petitioner was assaulting the father of the informant while sitting on his chest, thereafter he was taken to Health Centre, Wazirganj, where he succumbed to the injuries.

Learned counsel for the petitioner submits that the petitioner is aged about 73 years, whereas the victim was aged about 45 year. In fact, the victim received injuries during Mohharam procession and the petitioner has falsely been implicated in the present case. 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 is specific against the petitioner.



Considering the fact that accusation is specific against the petitioner and during investigation, the eye-witnesses have supported the prosecution case, coupled with the fact that accusation is being corroborated by the medical opinion, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner in connection with Wazirganj P.S. Case No. 318 of 2019 pending in the court of learned A.C.J.M.-I, Gaya, is rejected.

Let the trial be expedited.

If the trial is not concluded within a period of nine months of resumption of court proceeding in physical mode, the petitioner will be at liberty to renew his prayer for bail.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U			
---	--	--	--

