

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20194 of 2020

Arising Out of PS. Case No.-172 Year-2019 Thana- BUXAR INDUSTRIAL District- Buxar

IBRAR @ IMARAN KHAN S/o Md. Salahuddin @ Salahuddin Khan
Resident of Village- Barki Sarimpur, (Dakhin Tola), P.S.- Buxar (Ind), Distt-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-09-2020 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 25.11.2019, in a case registered for the offences punishable under Sections 302/34 of the IPC.

The prosecution case, as per the written report of Samshad Sah, submitted to the Station House Officer, Buxar Industrial Town Police Station is to the effect that on 24.11.2019 at about 9 P.M., the daughter of the informant, Guriya Begam informed the informant that his son Saukat Sah left the house at 7 P.M., but he did not return. Thereafter, the informant raised some suspicion and went to the in-laws house of his son, but his daughter-in-law could not convey him the true facts. It is alleged that the informant's daughter-in-law had illicit relationship with the petitioner for which the son of the informant used to protest and in the said background, the petitioner along with his friend, co-accused, Babar Khan, Parvej Khan and Tabrej Khan killed the son of the informant and threw the dead body. The dead body of the victim was recovered from an open area.

Learned counsel for the petitioner submits that there is no eye-witness to the alleged occurrence and only on the basis of suspicion, the petitioner has been roped in the present case. Though, it is alleged that on the statement of the petitioner, the knife, which was used in commission of offence, has been



recovered from the house of the petitioner, but that does not suggest that the said knife was used for alleged offence and the confession of the petitioner was forcefully obtained by the police. 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 on the statement of the petitioner, alleged knife has been recovered from the house of the petitioner and the petitioner has made confession as to how, he along with his friends, killed the son of the informant.

Considering the fact that the accusation is based on circumstantial nature of evidence, the case diary does not reflect any direct evidence against the petitioner, the investigation has already been concluded and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect 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 CJM, Buxar, in connection with Buxar (IND) P.S. Case No. 172 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 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 learned CJM, Buxar, in connection with Buxar (IND) P.S. Case No. 172 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/ Ashwini

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