

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20342 of 2020

Arising Out of PS. Case No.-122 Year-2019 Thana- IMAMGANJ District- Gaya

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NAGENDRA PASWAN @ NAGENDRA KUMAR Son of Gila Paswan
Resident of Village- Jhiktiya Kala, P.S.- Imamganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-09-2020 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 peirod of four week 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
17.01.2020, in a case registered for the offences punishable



under Sections 341, 323, 324, 307, 379, 147, 149, 436 and 448 of the IPC.

The prosecution case, as per the written report of Raj Ballabh Prasad, submitted to the S.H.O., Imamganj Police Station is to the effect that on 20.07.2019 at about 11.30 A.M. is to the effect that 40 accused persons including the petitioner came and surrounded the hutment of the informant and put the hutment of the informant on fire and on protest being made all the accused persons assaulted the informant, as a result the informant and two other persons received injuries. The accused persons also snatched the jewellery and other articles of the informant.

Learned counsel for the petitioner submits that no recovery has been made from the conscious physical possession of the petitioner. The injury of all the three injured have been found superficial simple in nature. 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 petitioner is named in the FIR with specific accusation.

Considering the fact that accusation is omnibus and general, period under custody, 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 Judicial Magistrate-1st Class, Sherghati at Gaya, in connection with Imamganj P.S. Case No. 122 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 Judicial Magistrate-1st Class, Sherghati at Gaya, in connection with Imamganj P.S. Case No. 122 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/-

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