

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21177 of 2020

Arising Out of PS. Case No.-1121 Year-2018 Thana- SASARAM NAGAR District- Rohtas

Brij Kumar Patel @ Chunnu S/o Jai Kumar Singh Resident of Village-
Patadhi, Police Station- Shivsagar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-07-2020 The Court proceeding has been conducted through
virtual mode.

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 the said period,
the office will again place the matter on board.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is languishing in custody since
7.1.2019, has renewed his prayer for bail in a case initially



registered for the offence punishable under Sections 363 and 365 of the IPC, but subsequently, Sections 364A, 302, 201 and 120B of the IPC were also added.

The prosecution case, as per the written report of Dharmendra Chaudhary, submitted to the SHO, Model Police Station, Sasaram is to the effect that the son of the informant aged about 16 years was the student of Class X at Sant Paul School situated at Bishwakarma Mor and he used to study in the house of one Banshnarayan Singh. On 11.08. 2018 at 7.30. P.M., some unknown person called him and thereafter he went traceless, leading to registration of the FIR against unknown. Name of the petitioner transpired on the confessional statement of co-accused Santosh Kumar Singh and consequently, recovery of the mobile phone was made through which ransom was demanded. The recovery of said mobile phone was made from the house of co-accused Manoj Singh. The petitioner also made confession.

It is submitted by learned counsel for the petitioner that co-accused Manoj Singh has been granted bail vide Cr. Misc. No. 30206 of 2019 by a Co-ordinate bench of this Court whereas co-accused Rishi Kant Kumar and Santosh Singh have been granted bail vide Cr Misc. No. 54185 of 2019 and 37684



of 2019. It is further submitted that earlier prayer of the petitioner for bail was rejected vide order dated 04.02.2020 passed in Cr. Misc. No. 71247 of 2019 with liberty to renew the prayer of bail after framing of charge. It is submitted that charge has already been framed vide order dated 20.2.2020 passed by the learned ADJ-XX, Rohtas at Sasaram, as contained in Annexure 3.

Learned APP submits that it is a case of brutal killing of a child for non-fulfillment of extortion demand and the petitioner has made confession.

Considering the fact that name of the petitioner sprang up on the confession of co-accused Manoj Kumar Singh, from whose possession mobile phone of the victim was also recovered, has been granted bail and liberty was earlier given to the petitioner to renew his prayer for bail after framing of charge, which has been framed, coupled with the period in custody, 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-20, Rohtas at Sasaram in connection with S. Tr. No. 238 of 2019, arising out of Sasaram (Modal) P.S. Case No. 1121 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.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-20, Rohtas at Sasaram in connection with S. Tr. No. 238 of 2019, arising out of Sasaram (Modal) P.S. Case No. 1121 of 2018.

The learned Court below will further 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.

The learned Court below will also be at liberty to cancel the bail bonds of the petitioner in case he defaults on two consecutive occasions or gets substantially involved in any other case.



Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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