

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23298 of 2020

Arising out of P.S. Case No.-286 Year-2019 Thana- TATARPUR District- Bhagalpur

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1. Raja Ram Singh S/o Raghunandan Singh @ Raghunandan Mandal Resident of Mohalla- Urdu Bazar, P.S.- Tatarpur, Distt- Bhagalpur.
 2. Abhimanyu Singh @ Mannu Son of Raghunandan Singh @ Raghunandan Mandal Resident of Mohalla- Urdu Bazar, P.S.- Tatarpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 The Court proceeding has been conducted through virtual mode.

Heard learned counsel for the petitioners and learned APP for the State.

Since the court proceeding in physical mode is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of court proceeding in physical mode. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The petitioners are languishing in custody since



02.06.2019 in a case registered for the offences punishable under Section 302/34 and 120(B) of the Indian Penal Code and Section 27 of Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Shishupal Yadav submitted to the Station House Officer, Tatarpur P.S., is to the effect that on 04.11.2019 at 5.30 P.M. the elder brother of the informant Chiranjivi Prasad Yadav @ Dhuri Yadav was coming from the house of Bhola Singh to his house, on the way, the unknown persons shot him dead.

It is submitted by learned counsel for the petitioners that the FIR was lodged against unknown and the name of the petitioners sprang up on the confession of the co-accused Raj Kumar Yadav. It is further submitted that the date of occurrence is 04.11.2019 when the petitioners were in custody since 02.06.2019 in Tatarpur P.S. Case No. 76 of 2019 in which they have been granted bail vide order dated 10.01.2020 passed in Cr. Misc. No. 71158 of 2019 and order dated 18.02.2020 passed in Cr. Misc. No. 68914 of 2019. Moreover, co-accused Rajkumar Yadav, on whose confession, the name of the petitioners sprang up, has been granted bail by a Co-ordinate bench of this Court vide order dated 28.02.2020 passed in Cr.



Misc. No. 12005 of 2020 as contained in Annexure-2. The investigation has already been concluded. Though the petitioners are accused in four other cases but they are on bail in those cases.

Learned APP for the State submits that the name of the petitioners sprang up on the confession of the co-accused Raj Kumar Yadav.

Considering the fact that on the date of occurrence the petitioners were in custody and the name of the petitioners sprang up on the confession of co-accused Raj Kumar Yadav, who has been granted bail by a Co-ordinate bench of this Court, and investigation has already been concluded, let the petitioners 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 Chief Judicial Magistrate-VII, Bhagalpur in connection with Tatarpur P.S. Case No. 286 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 upon 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.10000/- (ten thousand) each 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 Chief Judicial Magistrate-VII, Bhagalpur in connection with Tatarpur P.S. Case No. 286 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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