

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21062 of 2020

Arising Out of PS. Case No.-207 Year-2019 Thana- DAWATH District- Rohtas

JANAKDHARI SINGH @ JANAKDHARI RAI Son of Late Haribansh Rai
Resident of Village - Chhitani, P.S.- Dawath, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Rakesh Singh, Adv.
For the Opposite Party/s	:	Ms. Pronati Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2020 The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functioning due to present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defect/s within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defect/s within the undertaken period, the office will place the matter before the Bench.

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



The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 302, 307, 504, 147, 148, 149 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case as per the written report of Bijeshwar Rai submitted before the S.H.O., Dawath Police Station is to the effect that on 17.12.2019 at 8.30 A.M., the informant was coming to his house, in the meantime, he heard the sound of gun firing coming from the house of co-accused, Satrudhan Singh. Thereafter, the informant saw that on the order of co-accused, Satendra Dubey and Sunil Singh, co-accused, Satrudhan Singh hit on the temporal region of Ankit Kumar Singh, who died on spot. It is alleged that co-accused, Madan Singh, Triloki Singh, Sidheswar Pandey, Ankit Kumar Singh and Dipak Thakur were armed with rifle and gun. Thereafter, the petitioner and co-accused, Shantrudhan Singh went inside the campus and closed the iron gate and resorted to fire.

It is submitted by learned counsel for the petitioner that the in the background of land dispute, the accusation has been levelled. The specific accusation is against co-accused Shailendra Dubey and Sunil Singh to have ordered upon which co-accused, Satrudhan Singh fired causing injury to the victim.



Moreover, co-accused, Sunil Singh who gave order to fire, has been granted bail by a co-ordinate bench of this Court vide order dated 09.06.2020, passed in Criminal Miscellaneous No. 19353 of 2020. The petitioner is a 75 years old person and he is languishing in custody since 17.12.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the fact that the specific accusation of causing injury to the victim is against co-accused, Satrudhan Singh, co-accused, Sunil Singh who is alleged to have ordered to fire, has been granted bail coupled with statement made in paragraph no.3 of the petition 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 ACJM-I, Bikramganj, Rohtas, in connection with Dawath P.S. Case No. 207 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 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 the learned ACJM-I, Bikramganj, Rohtas, in connection with Dawath P.S. Case No. 207 of 2019.

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.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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