

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22284 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- MUFFASIL District- West Champaran

RAJESH VERMA Son of Kameswar Verma Resident of Village - Ranipakdi,
P.S. - Muffasil, District - Betia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr, Adv.
For the State	:	Md. Sufiyan, APP
For the informant	:	Mr. K. Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2020 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 senior counsel for the petitioner, learned counsel for the informant as well as the learned counsel for the State.



The petitioner is languishing in custody since 01.02.2020 in a case registered for the offences punishable under Sections 302 and 120B/34 of the IPC.

The prosecution case, as per the written report of Lukman Miyan, submitted to the Station House Officer, Bettiah Muffasil Police Station is to the effect that the informant purchased chalan from the petitioner for supplying the sugarcane to the Manjhauliya Sugar Mill. The consideration amount for the said challan was to be paid by the brother of the petitioner, Deep Lal. On 20.01.2020, the informant met with Deep Lal and demanded Rs. 80,000/- whereupon, Deep Lal conveyed to the informant that the exact date of payment of the said amount will be conveyed through phone. On 20.01.2020, Deep Lal conveyed that he will make entire payment by 23.01.2020. However, on 20.01.2020, the informant's son did not return till the evening. Subsequently, the villagers conveyed to the informant that his son has died in a road accident since crushed by a tractor. Thereafter, the informant went to the spot and found his son dead. It is lastly alleged that the petitioner and his brother due to dispute with regard to non-payment of the challan amount, have killed the son of the informant, on the basis of above accusation, the FIR was registered.



Learned senior counsel for the petitioner submits that in the background of dispute of payment of dues money, the petitioner and his brother have maliciously been roped in the present case. In fact, the informant is not the eye-witness to the alleged occurrence. On conclusion of investigation, the chargesheet has been submitted under Sections 279 and 304A of the IPC and the petitioner has not been sent up for trial. However, differing with the final form, cognizance has been taken under Section 302 of the IPC. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, in the present prevalent 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 counsel for the State and the informant submit that though the petitioner was not sent up for trial and chargesheet has been submitted under Sections 279 and 304A of the IPC, but considering the materials collected during investigation, the learned Magistrate found prima facie case under Section 302 of the IPC.

Considering the rival submissions of the parties, keeping in view the fact that on conclusion of investigation,



chargesheet was submitted under Section 279 and 304A of the IPC and the petitioner was not sent up for trial and in the present situation, created due to pandemic, Covid-19, there is no likelihood of trial being concluded in near future, coupled with the 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 Sessions Judge, West Champaran, Bettiah, in connection with Bettiah Muffasil P.S. Case No. 45 of 2020.

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 Sessions



Judge, West Champaran, Bettiah, in connection with Bettiah
Muffasil P.S. Case No. 45 of 2020.

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 stands disposed
of.

(Dinesh Kumar Singh, J)

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