

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22237 of 2020

Arising Out of PS. Case No.-74 Year-2019 Thana- KARTAHA District- Vaishali

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YOGENDRA PASWAN @ YOGINDRA PASWAN S/o Chandradeo Paswan
R/o Village- Ghataro, Chaturbhuj, P.S.- Kartahan, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Rina Sinha, Adv.
For the Opposite Party/s	:	Mr. J. N. Thakur, APP
For the Informant	:	Mr. Laxmi Kant Tiwari, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2020 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 period 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
16.01.2020., in a case registered for the offences punishable



under Sections 307 and 120B of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Narhari Vishnu Dattatrey, recorded by Vijay Kumar Singh, S.I. of Police, Patrakar Nagar Police Station on 07.07.2019, at 9.35 A.M., is to the effect that on 29.06.2019 at 5.30 A.M., the informant went outside to arrange the labourers, in the meantime, the petitioner raised alarm that the informant has reached, thereafter, on a motorcycle, unknown miscreants came and resorted to firing, causing injury on the chest and right hand of the informant.

Learned counsel for the petitioner submits that admittedly, the occurrence took place in the background of land dispute. The accusation against the petitioner is only to give order and facilitate the commission of offence. Admittedly, the firing has been made by unknown persons. It is further submitted that the learned Sessions Judge has rejected the prayer for bail of the petitioner with liberty to the petitioner to renew his prayer for bail after submission of chargesheet. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. 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 counsel for the informant and the State submit that the petitioner is an order giver and he also facilitated the commission of offence.

Considering the fact that the petitioner is not the assailant, the accusation has been levelled in the background of land dispute, 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 ACJM-XVI, Vaishali at Hajipur, in connection with Kartahan P.S. Case No. 74 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 ACJM-XVI, Vaishali at Hajipur, in connection with Kartahan P.S. Case No. 74 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)

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