

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22338 of 2020

Arising Out of PS. Case No.-292 Year-2018 Thana- PIPRA District- Supaul

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1. SANTOSH MANDAL Son of Shivchandra Mandal Resident of Village - Dubiyahi, P.S.- Pipra, District - Supaul
 2. Shiv Kumar Mandal Son of Ram Khelawan Mandal Resident of Village - Dubiyahi, P.S.- Pipra, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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 petitioners undertakes to remove the defect(s) within a peirod 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 petitioners and the State.



The petitioners are languishing in custody since 19.03.2020, in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 307 and 302 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Chandradeo Mandal, submitted to the S.H.O., Pipra Police Station is to the effect that on 14.12.2018 at about 3 P.M., the informant and his cousin brother Upendra Mandal @ Laddu Lal Mandal were passing through the house of Jagdish Mandal, whereupon, co-accused Ram Kumar Mandal resorted to fire from a pistol causing injury on the chest of the cousin brother of the informant, whereas co-accused Jai Narayan Mandal @ Rudal resorted to fire from a rifle causing injury on the nose of the cousin brother of the informant, as a result, he died on the spot.

Learned counsel for the petitioners submits that specific accusation of firing is against co-accused, Ram Kumar Mandal and Jai Narayan Mandal. The accusation against the petitioners is omnibus and general. It is further submitted that co-accused, Jai Narayan Mandal has been granted bail by a co-ordinate bench of this Court, vide order dated 02.06.2020 passed in Cr. Misc. No. 8574 of 2020 whereas other FIR named



accused person, Jagdish Mandal has been granted bail by a co-ordinate bench of this Court, vide order dated 18.09.2019, passed in Cr. Misc. No. 30437 of 2019. The investigation has already been concluded and in the present prevalent situation created due to pandemic, Covid-19, since the court proceeding is not properly functional in physical mode, there is no likelihood of trial being concluded in near future. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that accusation of firing has not been alleged against the petitioners, the investigation has already been concluded other accused persons have been granted bail by different co-ordinate benches of this Court as well as the statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, 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 ACJM-VI, Supaul, in connection with Pipra P.S. Case No. 292 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners 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 ACJM-VI, Supaul, in connection with Pipra P.S. Case No. 292 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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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