

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1455 of 2020

Arising Out of PS. Case No.-143 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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MANI BHUSHAN KUMAR @ MANI BHUSHAN RAY Son of Rajendra
Yadav @ Rajendra Prasad Ray Resident of Village-Dhekahan, Purana tola
Jhitkahiya, P.S.-Motihari Muffasil, District-East Champaran @ Motihari.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Md.Imteyaz Ahmad

For the Respondent/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-09-2020 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
appeal has been listed with defects.

Learned counsel for the appellant 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 appellant and the State.

The present appeal has been preferred against the



order dated 22.05.2020, passed by learned Special Judge (SC/ST) Act, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 143 of 2020, whereby the prayer for bail of the appellant has been rejected.

The appellant is languishing in custody since 20.03.2020, in a case registered for the offences punishable under Sections 363 and 366 of the IPC and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, as per the written report of Radha Devi, Submitted to the S.H.O. Samastipur Muffasil Police Station is to the effect that on 18.03.2020, the informant along with her two minor daughters, went to her sister-in-law, Sheela Devi's house. On 19.03.2020 at about 3 P.M., her co-villager, namely co-accused Chandan Rai, Munna Rai and the appellant Mani Bhushan Kumar kidnapped the two daughters of the informant and dragged them to took them by a Bolero vehicle. Subsequently, the son of the sister-in-law of the informant, namely, Pankaj Kumar intercepted the alleged vehicle, though, co-accused Munna Rai managed to escape from the scene. Thereafter, the police was informed and then both the daughters of the informant were rescued.

Learned counsel for the appellant submits that the



date of alleged occurrence has been changed by making overwriting from 15.03.2020 to 19.03.2020, which gets reflected from the FIR. The appellant is the maternal nephew of co-accused Munna Rai and Chandan Rai and the appellant used to visit to their house and since there was a land dispute between the father-in-law of the informant, namely Charitra Das and the maternal uncle of the appellant, hence, the appellant has maliciously been roped in the present case. It is further submitted that FIR suggests that police rescued the victims, but the FIR does not bear the signature of any of the police personnel. A statement has been made in paragraph no.3 of the petition that the appellant is not having any criminal antecedent.

Learned APP for the State submits that the appellant is named in the FIR with specific accusation.

Considering the nature of accusation in the background of land dispute, the accusation not being corroborated by the medical report and the investigation already being concluded, coupled with statement made in paragraph no.3 of the petition to the effect that the appellant is not having any criminal antecedent, the order dated 22.05.2020, passed by learned Special Judge (SC/ST) Act, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 143 of 2020 is hereby



quashed and the appellant is directed to be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge (SC/ST) Act, Samastipur, in connection with Samastipur (Muffasil) P.S. Case No. 143 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 appellant 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 appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant 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 Special Judge (SC/ST) Act, Samastipur, in connection with Samastipur (Muffasil) P.S. Case No. 143 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.

The learned court below will be at liberty to cancel the bail bonds of the appellant if he defaults for three consecutive occasions during trial.

Accordingly, the present appeal is allowed and disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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