

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22725 of 2020**

Arising Out of PS. Case No.-250 Year-2016 Thana- BIRPUR District- Supaul

MD. PRAVEJ ALAM Son of Md. Sakil Resident of Village- Forbesganj  
Rampur, P.S.- Forbesganj, Distt- Aairra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      04-09-2020                      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 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 counsel for the petitioner and the State.

The petitioner is languishing in custody since  
20.01.2020 in a case registered for the offences punishable  
under Sections 147, 148, 149, 341, 342, 323, 332, 333, 337,  
307, 353, 302 and 120B of the IPC.



The prosecution case, as per the self statement of S.I., Suresh Kumar, S.H.O., Birpur Police Station, recorded on 11.10.2016 at about 2.30 P.M. is to the effect that on the same day at about 11.28 A.M., one Irshad Alam informed the informant through mobile phone that in the village Koyali, after stabbing a child, one child lifter is fleeing away and a mob is chasing him. Thereafter, the informant after constituting a raiding team, reached on the spot and found that the child lifter has been killed by a mob of 1000 people, leading to registration of FIR against 54 known and 1000 unknown persons. The name of the petitioner sprang up during investigation on the basis of C.C.T.V. footage.

Learned counsel for the petitioner submits that the petitioner is not the resident of place of occurrence, hence, he came to know about the occurrence lately and then he surrendered before the learned Court below. It is further submitted that similarly situated co-accused Azad @ Azad Ali has been granted anticipatory bail by a Co-ordinate bench of this Court, vide order dated 08.08.2018, passed in Cr. Misc. No. 44862 of 2018, whereas, co-accused Barik @ Abdul Barik has been granted anticipatory bail by a Co-ordinate bench of this Court vide order dated 06.04.2018, passed in Cr. Misc. No.



17174 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, in which he is on bail. Moreover, 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 APP for the State submits that the petitioner is named in the FIR on the basis of C.C.T.V. footage.

Considering the fact that accusation against the petitioner is omnibus and general, the investigation has already been concluded, similarly situated co-accused persons have been granted anticipatory bail by different Co-ordinate benches of this Court, period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19, 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 Additional Chief Judicial Magistrate, Birpur (Supaul), in connection with Birpur P.S. Case No. 250 of 2016.

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 learned Additional Chief Judicial Magistrate, Birpur (Supaul), in connection with Birpur P.S. Case No. 250 of 2016..

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)**

Ashwini/-

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