

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21531 of 2020

Arising Out of PS. Case No.-544 Year-2014 Thana- MOTIHARI TOWN District- East
Champaran

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Ravi Singh Son of Veer Bahadur Singh Resident of Village - Madhubani, P.S.-
Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard Mr. Sanjeev Ranjan, learned counsel for the
petitioner and Mr. J.N. Thakur, learned APP for the State.

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner has renewed the prayer for bail in a



case registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, Sections 326/307 of the IPC were also added vide order dated 13.08.2014.

The prosecution case as per the fardbeyan of Anish Kumar recorded by S.I., Bipin Kumar recorded on 08.08.2014 at 10.30 P.M. at Sadar Hospital, Motihari, is to the effect that the informant, Mantu Sharma, Ashutosh Pandey and Vivek Tiwari came from the Scorpio vehicle of Mantu Sharma to his house at 9.30 P.M. when they found three motorcycles parked near his house and nine accused persons named in the FIR including the petitioner and 3-4 unknown persons. Thereafter, the accused persons resorted to fire from pistol, rifle and AK-47 rifle. Subsequently, Mantu Sharma and Ashutosh Pandey succumbed to the injuries, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that the accusation of indiscriminate firing has been alleged against nine FIR named and 3-4 unknown when there is no specific accusation of firing against the petitioner. Earlier the prayer for bail of the petitioner was rejected vide order dated 20.11.2019 passed in Cr. Misc. No. 28741 of 2019 with liberty to the petitioner to renew the prayer for bail if the trial is not



concluded by 15th June, 2020. A specific statement has been made in paragraph 12 of the petition that till date only 4 witnesses have been examined out of 12 charge sheeted witnesses and there is no likelihood of trial being concluded in near future due to non-functional of the court proceedings in physical mode due to present pandemic, COVID-19. Out of 4 witnesses, P.W.1 Om Rai, P.W. 2 informant, Anish Kumar and P.W. 4 Krishna Singh have not supported the prosecution case against the petitioner and P.W. 3 Ramashankar Singh is a formal witness. It is further submitted that similarly situated co-accused persons, like, Sujit Singh vide Cr. Misc. No. 27307 of 2018, Vikash Singh vide Cr. Misc. No. 43057 of 2017 and Hari Singh, Sushil Kumar Mishra and Vijay Kumar, though not named in the FIR, vide Cr. Misc. Nos.7948 of 2015, 10767 of 2015 and 10836 of 2015, respectively, have been granted bail by different Co-ordinate benches of this Court, as contained in Annexure-4 series. Though, the petitioner is accused in four other cases but he is on bail in those cases. The petitioner is languishing in custody since 04.09.2018.

Learned APP for the State submits that the petitioner is named in the FIR and two persons were killed due to indiscriminate firing made by the FIR named accused



persons.

Considering the fact that similarly situated co-accused persons have been granted bail, accusation being omnibus and general, liberty given to the petitioner to renew the prayer for bail if the trial is not concluded, there is no likelihood of trial being concluded in near future in view of the fact that the physical court proceedings are not fully functional due to present pandemic and the informant has not supported the prosecution case, 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 District & Sessions Judge-XV, East Champaran, Motihari in connection with Sessions Trial No. 677 of 2018, arising out of Town (East Champaran) P.S. Case No. 544 of 2014.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 learned Additional District & Sessions Judge-XV, East Champaran, Motihari in connection with Sessions Trial No. 677 of 2018, arising out of Town (East Champaran) P.S. Case No. 544 of 2014.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

However, the learned trial Court will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions during trial.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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