

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22664 of 2020

Arising Out of PS. Case No.-159 Year-2015 Thana- AURAI District- Muzaffarpur

=====

FANI BHUSHAN SHAHI Son of Madan Prasad Shahi Resident of Village -
Madhuban Besi, P.S.- Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

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

=====

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 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
26.02.2020, in a case registered for the offences punishable
under Sections 341, 323, 504, 506, 494, 498A and 376/511/34 of
the IPC and Sections 3(i)(x)(xi) of the SC/ST (Prevention of



Atrocities) Act.

The prosecution case, as per the written report of Lalita Devi, submitted to the Station House Officer, Aurai Police Station is to the effect that the informant performed love marriage with the petitioner on 05.04.2009 and subsequently, they were blessed with a child, but thereafter, the informant was tortured and she was abused by calling her caste name by all the accused persons including the petitioner, as the informant belongs to Schedule Case category. It is further alleged that the petitioner has performed second marriage.

It appears that earlier moved this Court with a prayer for anticipatory bail when the petitioner denied the birth of child out of wedlock, as a result it was directed to conduct a test for D.N.A. of the child and that of the petitioner and it appears from the report that D.N.A. of the child got matched with the petitioner.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and in pursuance to the order passed in Maintenance case, the petitioner is making payment of Rs. 4,500/- per month to the informant and Rs. 500/- per month to his child. Moreover, the petitioner has not performed second marriage. 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 thrust of accusation is against the petitioner being the husband of the informant.

Considering the fact that the petitioner claims to have making payment of maintenance amount, the investigation has already been concluded, the 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 A.D.J.-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Aurai P.S. Case No. 159 of 2015.

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 A.D.J.-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Aurai P.S. Case No. 159 of 2015.

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)

Amrendra/-

U		T	
---	--	---	--

