

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1424 of 2020**

Arising Out of PS. Case No.-260 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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PANNA YADAV Son of Dip Narayan Yaadav Resident of Village -
Raghunathpur, P.S. - Sahebpur Kamal, District - Begusarai, PIN- 851204.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjit Jha
For the Respondent/s : Mr.A.G.

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

2 17-09-2020 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 20.02.2020, passed by learned Spl. Judge SC/ST



(PoA) Act, Begusarai in Sahebpur Kamal P.S. Case No. 260 of 2018, whereby the prayer for bail of the appellant has been rejected.

The appellant is languishing in custody since 20.01.2020, in a case registered for the offences punishable under Sections 452, 387, 386, 504 and 506/34 of the IPC and Sections 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, as per the written report of Lalita Devi, submitted to the S.H.O., Sahebpur Kamal Police Station is to the effect that on 22.08.2019 at about 8 P.M., three FIR named accused persons including the appellant entered into the house of the informant, abused her and demanded extortion. It is alleged that the petitioner dragged the informant by catching hold of her hair and assaulted her with the butt of the pistol and when her son came to rescue, all the accused persons also assaulted him.

Learned counsel for the appellant submits that there is no injury report of the informant on record to corroborate the accusation and even assuming the accusation to be true, the accusation, at best, under Sections 387 and 386 of the IPC is made out. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that



the appellant is accused in one other case.

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

Considering the fact that there is no injury report of the informant on record, the investigation has already been concluded and period under custody, the order dated 20.02.2020, passed by learned Spl. Judge SC/ST (PoA) Act, Begusarai in Sahebpur Kamal P.S. Case No. 260 of 2019 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 learned Spl. Judge SC/ST (PoA) Act, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 260 of 2019.

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 Spl. Judge SC/ST (PoA) Act, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 260 of 2019.

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 appeal is allowed and disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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