

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23859 of 2020

Arising Out of PS. Case No.-50 Year-2016 Thana- SIGAUDI District- Patna

GUDDU PASWAN S/o Bineshwar Paswn Resident of Village- Patringa, P.S.-
Sigori, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2020 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 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 petitioner and the State.

The petitioner is languishing in custody since
20.01.2020, in a case registered for the offences punishable
under Sections 302/34 of the IPC.

The prosecution case, as per the written report of



Neeranjana Kumar, submitted to the S.H.O., Sigori Police Station is to the effect that on 19.05.2016, the informant came to know that his father Vinesh Kumar has died as he has been crushed by a truck. Consequently, the informant along with his family members and co-villagers went to the place of occurrence and found that the head of the father of the informant crushed and a truck was found parked near the dead body. Subsequently, one Prabhu Kumar, being a driver of a J.C.B. conveyed the informant that a truck loaded with the sand was being driven by co-accused Budhu Paswan, who got a deal done for Rs. 15,000/- with the father of the informant for taking out the truck stuck in a ditch by the J.C.B machine and when the J.C.B. came then the truck driver gave the father of the informant Rs. 1,000/- for that there was some hot exchange of word between the father of the informant and the driver of the truck. In the meantime, the driver of the truck dashed the father of the informant.

Learned counsel for the petitioner submits that the petitioner has been roped in the present case since he is the son of co-accused Budhu Paswan, who dashed the father of the informant. There is no accusation against the petitioner, except that the petitioner was present when the quarrel was going on between the parties with regard to the payment dispute. It is



further submitted that co-accused Gamandi Paswan, who was also present on the place of occurrence when hot exchange was going on between the parties with regard to the payment, has been granted bail by a Co-ordinate bench of this Court, vide order dated 26.10.2016, passed in Cr. Misc. No. 46842 of 2016. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. 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 was also sharing common intention with his father and he is named in the FIR.

Considering the fact that fact that the thrust of accusation is against the driver of the truck, co-accused Budhu Paswan, the investigation has already been concluded, period under custody, similarly situated co-accused person has been granted bail by a Co-ordinate bench of this Court, and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal



antecedent, 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 ACJM-V, Danapur, Patna, in connection with Sigori P.S. Case No. 50 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 ACJM-V, Danapur, Patna, in connection with Sigori P.S. Case No. 50 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)

Amrendra/-

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