

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21140 of 2020

Arising Out of PS. Case No.-110 Year-2019 Thana- MARANCHI District- Patna

RAVI SHANKAR VIDYARTHI Son of Late Uma Shankar Vidyarthi
Resident of Village- Chondipar, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-07-2020 The matter has been taken up through virtual Court proceeding.

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

Learned counsel for the petitioner undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects within undertaken period, the office shall place the matter before the bench.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in jail since 7.12.2019 in a



case registered for the offences punishable under Sections 302 and 201/34 of the IPC. Hence, prayer for bail has been made.

The prosecution case, as per the written report of Babita Devi submitted to the SHO, Maranchi Police Station, is to the effect that on 22.9.2019, co-accused Narayan Singh and Kundan Kumar @ Kundan Sharma came and took the husband of the informant along with him but the husband of the informant did not return. Thereafter, the informant called her husband on his mobile but it was found switched off. Next morning, during search, it was found that the dead body of the informant's husband was lying in village Rampur Dumra and the same was taken for postmortem examination after the neighbouring people of the informant went and identified the dead body being that of the husband of the informant. It is alleged that the husband of the informant was not willing to accompany the two FIR named accused persons, hence it is alleged that in connivance with other two accused persons, the husband of the informant has been killed by the FIR named accused persons. Name of the petitioner sprang up on the statement of co-accused Aman Kumar and the confession of Kundan Sharma, the FIR named accused and the petitioner has also made his confession.

It is submitted by learned counsel for the petitioner that the



the entire accusation is based on circumstantial evidence. There are accusations against the FIR named accused Narayan Singh and Kundan Sharma. The statements of the informant and her mother were recorded on 1.10.2019 but they did not raise any suspicion against the petitioner. However, the petitioner's name sprang up in the confessional statement of co-accused Kundan Sharma who has been granted bail vide Cr. Misc. No. 11859 of 2020 by a Co-ordinate bench of this Court. Though the petitioner is accused in three other cases but he is on bail in all those cases.

Learned APP submits that the name of the petitioner sprang up during investigation and he confessed his guilt.

Considering the fact that the petitioner's name sprang up on the confession of the co-accused, the FIR named accused Kundan Sharma has been granted bail, investigation has already been concluded, moreover, the case is based on circumstantial evidence, coupled with the period in custody, 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, Barh in connection with Maranchi P.S. Case No. 110 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 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 of the like amount each to the satisfaction of the learned ACJM, Barh including one surety given at the time of provisional bail.

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

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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