

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1392 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- BARAUNI District- Begusarai

VIKRAM KUMAR Son of Dhamendra Kumar Singh @ Dhamendra Singh @
Dhanmendra Ray @ Dhamenendra Ray Resident of Village - Simaria, P.S.-
Barauni (Chakia O.P.), Distt.- Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Nayan
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 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 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 appellant and the State.

The present appeal has been preferred against the
order dated 18.02.2020, passed by learned Special Judge, SC/ST
(PoA) Act, Begusarai in Barauni P.S. Case No. 44 of 2020,



whereby the prayer for bail of the appellant has been rejected.

The appellant is languishing in custody since 03.07.2020, in a case registered for the offences punishable under Sections 341, 323, 379, 307, 504 and 506/34 of the IPC and Sections 3(i)(r)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act.

The prosecution case, as per the written report of Sachin Kumar, submitted to the Chakiya Police Station is to the effect that on 01.02.2020, while in a procession for immersion of idol Sarswati, four accused including the appellant came on the shop of the informant and took the cigarette and on being asked for money they refused to make payment when on protest being made, it is alleged that the informant was abused by calling his caste name when co-accused Murari Kumar assaulted the informant with the butt of the pistol causing injury on his head and co-accused Satyam Kumar snatched Rs. 15,000/- from the informant.

Learned counsel for the appellant submits that the accusation against the appellant is omnibus and general. Specific accusation of assaulting the informant with the butt of the pistol is alleged against co-accused Murari Kumar, who has been granted bail by a Co-ordinate bench of this Court, vide



order dated 01.06.2020, passed in Cr. App (S.J.) No. 1074 of 2020, whereas co-accused Satyam Kumar has been granted bail by a Co-ordinate bench of this Court vide order dated 03.06.2020, passed in Cr. App (S.J.) No. 985 of 2020. Moreover, investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the appellant is not having any criminal antecedent.

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

Considering the fact that the accusation against the appellant is omnibus and general, the investigation has already been concluded and similarly situated co-accused persons have been granted bail by different Co-ordinate benches of this Court, coupled with statement made in paragraph no.3 of the petition to the effect that the appellant is not having any criminal antecedent, the order dated 18.02.2020, passed by learned Special Judge, SC/ST (POA) Act, Begusarai in Barauni P.S. Case No. 44 of 2020 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 Special Judge, SC/ST (POA) Act, Begusarai, in connection with Barauni P.S. Case No. 44 of 2020.



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 Special Judge, SC/ST (POA) Act, Begusarai, in connection with Barauni P.S. Case No. 44 of 2020.

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.

The learned court below will be at liberty to cancel the bail bonds of the appellant if he defaults for three consecutive occasions during trial.



Accordingly, the present appeal is allowed and
disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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