

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22702 of 2020

Arising Out of PS. Case No.-95 Year-2019 Thana- THAWE District- Gopalganj

JASBIR PASWAN @ JANGBAHADUR Son of Singashan Manjhi Resident
of Village-Amaithi Khurd, P.S.-Thawe, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

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
24.02.2020, in a case registered for the offences punishable
under Sections 341, 323, 379, 354B, 504, 506 and 302/34. of the



IPC.

The prosecution case, as per the fardbeyan of Sangeeta Devi, recorded by S.I. of Police, Shyam Sundar Prasad on 16.06.2019 at Emergency ward of Sadar Hospital, Gopalganj is to the effect that on 12.06.2019 at about 6 P.M., all the FIR accused persons including the petitioner, being the neighbour of the informant were unloading soil at the door of the informant, which was protested by the informant. Thereafter, the petitioner and other accused persons started assaulting the informant, snatched a gold chain from her and when the husband of the informant came to rescue her, then the petitioner gave a spade blow causing injury on the neck of the husband of the informant, thereafter, all the accused persons assaulted the husband of the informant with fists and slaps, as a result, the husband of the informant died during course of treatment.

Learned counsel for the petitioner submits that admittedly, in the background of dispute with regard to unloading the soil at the door of the informant, the accusation has been levelled against the petitioner. In fact, the husband of the informant was seriously ill and he died due to ailment. It is further submitted that for the alleged occurrence of 12.06.2019, the fardbeyan of the informant was recorded on 16.06.2019



when the FIR was lodged on the same day. The postmortem report does not reflect any external or internal injury. 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 is named in the FIR with specific accusation.

Considering the delayed recording of the fardbeyand and lodging of the FIR, the postmortem completely negates the accusation, the investigation has already been concluded 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 C.J.M., Gopalganj, in connection with Thawe P.S. Case No. 95 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 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 C.J.M., Gopalganj, in connection with Thawe P.S. Case No. 95 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 application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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