

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22646 of 2020**

Arising Out of PS. Case No.-131 Year-2019 Thana- GOVINDPUR District- Nawada

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TULSI MANJHI S/o Late Faguni Mnjhi Resident of Village- Barhakurwa,
Sughari (Koligarh), P.S.- Govindpur, Distt- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha, Adv.

For the Opposite Party/s : Mr. Khurshid Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-09-2020 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 19.08.2019, in a case registered for the offences punishable under Sections 147, 148, 149 and 302 of the IPC and Sections 3/4 of the Prevention of Witch Craft Practices Act.

The prosecution case, as per the fardbeyan of Kamlesh Kumar, recorded by Ram Narayan Mahto, S.I., Govindpur Police Station on 23.07.2019 at about 1 P.M., at Sadar Hospital, Nawada is to the effect that son of the Suresh Manjhi, being the co-villager of the informant died of some illness about three months prior to the lodging of the present, as a result, Suresh Manjhi abused the mother of the informant by addressing her as a witch. On 23.07.2019 at about 8 A.M., all the accused persons armed with knife, lathi, danda and spade entered into the house of the informant and started abusing the informant addressing her as a witch and assaulted the mother of the informant with lathi and danda, as a result, she fell down, thereafter co-accused, Suresh and Naro @ Naresh Manjhi assaulted the mother of the informant with knife, as a result, she got seriously injured and subsequently, she succumbed to the injuries.

Learned counsel for the petitioner submits that in the background of old land dispute, the petitioner has been



roped in the present case. Though, the petitioner is named in the FIR, but omnibus and general accusation has been levelled against him. The specific accusation has been levelled against co-accused Suresh Manjhi and Naro @ Naresh Manjhi, who have been granted bail by a Co-ordinate bench of this Court, vide order dated 24.08.2020, passed in Cr. Misc. No.18941 of 2020. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, 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 fact that the accusation has been levelled in the background of land dispute, co-accused persons, against whom, there is specific accusation of causing knife injury to the deceased, have been granted bail by a Co-ordinate bench of this Court, 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 A.D.J.-VII, Nawada, in connection with S. Tr. No. 367 of 2019 arising out of Govindpur P.S. Case No. 131 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 A.D.J.-VII, Nawada, in connection with S. Tr. No. 367 of 2019 arising out of Govindpur P.S. Case No. 131 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)

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