

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22656 of 2020**

Arising Out of PS. Case No.-128 Year-2019 Thana- KURTHA District- Jehanabad

SURAJ DOM S/o Upendra Dom Resident of Kurtha Bala, Kurtha, P.S.-
Kurtha, Distt- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Prafull Chandra Jha

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 02-09-2020 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
22.11.2019, in a case registered for the offences punishable
under Sections 341, 323, 324, 307, 504, 379 and 34 of the IPC.



The prosecution case, as per the written report of Md. Usuf Ansari, submitted to the Station House Officer is to the effect that on 25.07.2019 at about 10 AM, all the FIR named accused persons including the petitioner assaulted the son of the informant with dagger.

Learned counsel for the petitioner submits that for the alleged occurrence of 25.07.2019, the FIR has been lodged on 28.07.2019, whereas at earlier point of time, Araria SC/ST P.S. Case No. 17 of 2019 was registered on 26.07.2019 by the petitioner's side against the informant's side under Sections 341, 323, 324, 427, 354, 504, 506 of the Indian Penal Code and Sections 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further submitted that the injury of the son of the informant, who used to tease the wife of the petitioner, has been found superficial simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. 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 accusation



of assaulting the son of the informant with dagger is specific against three accused persons including the petitioner.

Considering the delayed lodging of the FIR, the case lodged by the petitioner's side against the informant's side, period under custody, nature of injury caused to the son of the informant and the fact that the investigation has already been concluded, 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 CJM, Arwal, in connection with Kurtha P.S. Case No. 128 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 CJM, Arwal, in connection with Kurtha P.S. Case No. 128 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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