

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23885 of 2020

Arising Out of PS. Case No.-658 Year-2019 Thana- MASAUDHI District- Patna

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SHESHMANI @ SHESHMANI KUMAR @ SHESHMANI PRASAD S/o
Late Ram Swaroop Prasad Resident of Village- Puranchak, P.S.- Masaurhi,
Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-09-2020 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 week 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



11.12.2019, in a case registered for the offences punishable under Sections 341, 323, 307, 427 and 504/34 of the IPC.

The prosecution case, as per the written report of Rajesh Kumar, submitted to the S.H.O., Masaurhi Police Station is to the effect that one Kanti Devi, the sister of the informant's father was married with Surendra Prasad, who died seven years prior to the lodging of the present case. Surendra Prasad had two brothers and partition of property had taken place between them and Kanti Devi was in possession of her share of property. It is alleged that on 07.09.2019, all the accused persons including the petitioner came and tried to demolish the pillar on the land in the share of Kanti Devi and on protest being made, all the accused persons including the petitioner assaulted Kanti Devi.

Learned counsel for the petitioner submits that the accusation against the petitioner is omnibus and general. The accusation has been made in the background of land dispute. There is counter version of the occurrence also, being Masaurhi P.S. Case No. 659 of 2019, lodged by co-accused Nagendra Prasad against the informant's side. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case in which he is on bail. 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 fact that the accusation against the petitioner is omnibus and general, genesis of occurrence being land dispute, the investigation has already been concluded, period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19, 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 J.M., 1st Class, Masaurhi (Patna), in connection with Masaurhi P.S. Case No. 658 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 J.M., 1st Class, Masaurhi (Patna), in connection with Masaurhi P.S. Case No. 658 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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