

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22643 of 2020

Arising Out of PS. Case No.-80 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

1. LALAN YADAV S/o Late Nand Kishore Yadav Resident of Village-Chhotki Basauli, P.S.-Buxar (Industrial Area), District-Buxar.
2. Vidya Sagar Singh @ Munna Yadav S/o Rajnath Singh Resident of Village-Chhotki Basauli, P.S.-Buxar (Industrial Area), District-Buxar.
3. Surendra Yadav Son of Late Indradev Yadav Resident of Village-Chhotki Basauli, P.S.-Buxar (Industrial Area), District-Buxar.
4. Manoj Yadav @ Dinesh Yadav Son of Lalan Yadav Resident of Village-Chhotki Basauli, P.S.-Buxar (Industrial Area), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Adv. Mr. Arvind Kumar Pradhan, Adv.
For the Opposite Party/s	:	Mr. J. N. Thakur, APP

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 petitioners 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 petitioners and the State.

The petitioners are languishing in custody since 19.05.2020, in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 188, 504 and 506/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Shiv Prasan Yadav, submitted to the Station House Officer, Buxar Industrial Area Police Station is to the effect that on 18.05.2020 at about 10 A.M., a land was being measured and pillar was being fixed, in the meantime, 23 FIR named accused persons including the petitioners and 10 unknown persons came and resorted to firing, causing injury to six persons including the brother of the informant received injury.

Learned counsel for the petitioners submits that the accusation of firing has been levelled against 23 FIR named accused persons and ten unknown persons, whereas only six persons have received injury and except Bisun Kumar, who has received grievous injury, caused by hard and blunt substance, all the injured have received superficial simple injury. A statement has been made in paragraph no.3 of the petition that petitioner nos. 2, 3 and 4 are not having any criminal antecedent whereas



petitioner no.1 is accused in two other cases 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 petitioners are named in the FIR with specific accusation.

Considering the genesis of the occurrence, being in the background of land dispute, the accusation not being corroborated by the medical opinion, the investigation already being concluded and the fact that the trial is not likely to be concluded due to the pandemic, Covid-19, let the petitioners 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., Buxar., in connection with Buxar Industrial Area P.S. Case No. 80 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 petitioners 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 petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each 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., Buxar., in connection with Buxar Industrial Area P.S. Case No. 80 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.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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