

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1412 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- DHANGAI District- Gaya

SAKENDRA KUMAR Son of Sri Brahmdeo Yadav Resident of Village-
Rebda, P.S.- Dhangain, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajesh Kumar

For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2020 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
appeal has been listed with defects.

Learned counsel for the appellant 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 appellant and the State.

The present appeal has been preferred against the
order dated 06.06.2020, passed by learned Exclusive Special
Judge, SC/ST, Gaya in connection with Dhangain P.S. Case No.
14 of 2020, whereby the prayer for bail of the appellant has



been rejected.

The appellant is languishing in custody since 18.04.2020, in a case registered for the offences punishable under Sections 149, 342, 448, 452, 323, 325, 307, 504, 506, 427 and 379 of the IPC and Sections 3(i)(r)(s), 3(2)(ra) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, as per the fardbeyan of Vinod Chaudhary, recorded by Munna Kumar, S.I.-cum-S.H.O., Dhangain Police Station on 16.04.2020 at about 9.30 A.M. is to the effect that on 14.04.2020, one Mahadev Yadav fell from the roof and subsequently died during treatment when family members of the deceased was at the impression that spurious liquor was given by the informant to Mahadev Yadav causing his death. It is alleged that on 16.04.2020, all the FIR named accused persons including the appellant along with 70-80 people came, ransacked the house of the informant and his two brothers, robbed the jewellery and cash amount and also assaulted the brother of the informant and others.

Learned counsel for the appellant submits that though the appellant is named in the FIR, but the accusation against the petitioner is omnibus and general. The specific accusation of assault has been levelled against other co-accused



persons. Moreover, investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the appellant is not having any criminal antecedent.

Learned APP for the State submits that the appellant is named in the FIR with specific accusation.

Considering the fact that accusation against the appellant is omnibus and general, the investigation has already been concluded and period under custody, coupled with statement made in paragraph no.3 of the petition to the effect that the appellant is not having any criminal antecedent, the order dated 06.06.2020, passed by learned Special Judge, SC/ST Act, Gaya in connection with Dhangain P.S. Case No. 14 of 2020 is hereby quashed and the appellant is directed to be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge, SC/ST Act, Gaya, in connection with Dhangain P.S. Case No. 14 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 appellant 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 appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant 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 learned Special Judge, SC/ST Act, Gaya, in connection with Dhangain P.S. Case No. 14 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 appeal is allowed and disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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