

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22279 of 2020**

Arising Out of PS. Case No.-5 Year-2018 Thana- BARARI District- Katihar

=====

Sentu Goswami S/o Bishnudeo Goswami Resident of Mohnachandpur, P.S.-
Barari, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

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

=====

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

3 15-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.



Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 20.07.2019 in a case registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 325, 504, 307, 504, 379 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

The prosecution case as per the fardbeyan of Vikash Kumar Yadav, recorded by A.S.I. Bipin Kumar Singh on 06.01.2018 at 10:15 A.M is to the effect that on 05.01.2018 at 4:00 P.M, when the informant was feeding the buffalo, all the accused persons came and co-accused Mohan Thakur resorted to fire but it did not hit the informant. Thereafter, all the accused persons after wrapping the neck of the informant with a napkin, took him away towards the bamboo shrub and started assaulting him, as a result, his right leg got fractured.

It is submitted by learned counsel for the petitioner that though petitioner is named in the F.I.R



but there is no specific accusation against him. The petitioner is accused in two other cases.

Learned counsel for the petitioner submits that petitioner is on bail in both the cases, though statement to that effect has not been made in the petition. It is further submitted that co-accused Mohan Thakur, who is alleged to have made firing has been granted bail vide order dated 15.10.2019 passed in Cr. Misc. No. 52445 of 2019.

Learned A.P.P. submits that petitioner has been named in the F.I.R.

Considering the fact that other co-accused persons have been granted bail and the investigation has been completed, 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 learned Additional Chief Judicial Magistrate-V, Katihar in connection with Barari (Semapur O.P) P.S. Case No. 05 of 2018.



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 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Katihar in connection with Barari (Semapur O.P.) P.S. Case No. 05 of 2018 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.



Accordingly, the present application stands
disposed of.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--

