

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23829 of 2020**

Arising Out of PS. Case No.-10 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Sanjay Ram S/o Ganesh Ram R/o Village- Dhanupara, P.S.- Saraiya (Jaitpur O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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

2 17-09-2020 The Court proceeding has been conducted through virtual mode.

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

Since the court proceeding in physical mode is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of court proceeding in physical mode. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The petitioner is languishing in custody since 31.03.2020 in a case registered for the offences punishable



under Sections 302, 201 and 120B/34 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Tulsi Ram submitted to the Station House Officer, Sahebganj Police Station, is to the effect that the younger brother of the informant, Chandan Kumar was in love with Pinki Kumari. On 18.11.2019, Chandan Kumar conveyed the informant that he along with Pinki Kumari was proceeding to Muzaffarpur for solemnizing Court marriage. In the meantime, Umesh Ram, father of Pinki Devi lodged Sahebganj P.S. Case No. 505 of 2019 for the offences punishable under Sections 363 and 366A of the Indian Penal Code against Chandan Kumar. Later on, Krishna Das, the brother of Chandan Kumar contacted on mobile phone with Chandan Kumar, who disclosed that he along with Pinki Kumari are going to Dhanpura at the house of maternal uncle of Pinki Kumari. On 03.01.2020, Sonu Ram and Ganesh Ram came in the house of the informant and inquired about Chandan Kumar and threatened the family members of the informant. On 04.01.2020, the informant came to know that co-accused Umesh Ram, Ganesh Ram, Mahesh Ram, Sonu Ram, Rahul Ram, Pinki Kumari and Rambha under conspiracy,



killed Chandan Kumar and threw his dead body in agricultural field of Dhanupara village. Thereafter, the informant along with family members reached at the spot and identified the dead body. The petitioner is not named in the FIR but his name sprang up during investigation as the victim was suspected to have been in the maternal uncle's house and the petitioner is maternal uncle of Pinki Kumari.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Mr. J.N. Thakur, learned APP appearing for the State, however, submits that during investigation it transpired that the victim was killed at the house of maternal uncle of Pinki Kumari and petitioner happens to be maternal uncle of Pinki Kumari.

Considering the suspicious nature of accusation, the petitioner is not named in the FIR, the dead body was recovered from the agricultural field and the fact that the investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition 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 Chief Judicial Magistrate, Muzaffarpur in connection with Sahebganj P.S. Case No. 10 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 upon 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.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 the learned Chief Judicial Magistrate, Muzaffarpur in connection with Sahebganj P.S. Case No. 10 of 2020.

The learned Court below is 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 application stands disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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

