

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23869 of 2020

Arising Out of PS. Case No.-289 Year-2019 Thana- GAUTAMBUDHNAGAR District-
Siwan

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MUNNA RAI Son of Nabi Rasool Resident of Village - Bhaluwara, P.S. -
G.B. Nagar, Tarwara, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Kumari Anupam
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
27.11.2019, in a case registered for the offences punishable



under Sections 147, 148, 149, 323, 324, 504, 307 and 302 of the IPC.

The prosecution case, as per the fardbeyan of Rashid Rai, recorded by Md. Sageer Alam, S.I. of Police on 23.11.2019 at about 8.30 P.M. is to the effect that on the same day, the informant along with his wife and son came on his brother-in-law's house when all the FIR named accused person including the petitioner came armed with lathi, danda and bamboo stick and started assaulting his wife and son, Jumadin, as a result, his son received injuries on the head and subsequently he succumbed to the injuries.

Learned counsel for the petitioner submits that the accusation against the petitioner is omnibus and general. The injury report of other injured person is not on record, which partially clouds the prosecution case to the effect that the informant, his wife and others received injuries. The postmortem report of the victim reflects one injury on the head of the victim, whereas the accusation of repeating blow is against four FIR named accused persons including the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. 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 accusation of assault is omnibus and general against four accused persons, the accusation is not being corroborated by the medical opinion, the investigation has already being concluded and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect 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 CJM, Siwan, in connection with G.B. Nagar P.S. Case No. 289 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 CJM, Siwan, in connection with G.B. Nagar P.S. Case No. 289 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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