

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22748 of 2020

Arising Out of PS. Case No.-13 Year-2020 Thana- JIRADEI District- Siwan

LAXMI KANT YATI Son of Late Suryavali Yati Resident of Village- Thepha Bazar, P.S.- Ziradei, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2020 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 08.02.2020 in a case registered for the offences punishable under Sections 447, 323, 504, 341, 324, 325, 326, 307, 302/34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Ramjee Prasad, submitted to the S.H.O, Ziradei Police Station is to the effect that on 07.02.2020 at 4:30 p.m. when the informant was sitting with his son in his garment shop, the petitioner along with co-accused Raja Ram Yatti, Sandeep Yatti came and started abusing the informant and his son and when the informant and his son came out at the shop, it is alleged that the petitioner and co-accused Raja Ram Yatti caught hold of the son of the informant and thereafter, co-accused Sandeep Yatti stabbed the son of the informant, who subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioner that accusation of stabbing is not against the petitioner and the investigation has already been



concluded. Moreover, the petitioner is not having any criminal antecedent.

Learned A.P.P. submits that petitioner is also alleged to have caught hold of the victim while co-accused Sandeep Yatti stabbed the victim.

Considering the fact that accusation of stabbing the deceased is not against the petitioner and investigation has already been concluded coupled with the fact that 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 learned Additional Chief Judicial Magistrate-I, Siwan in connection with Ziradei P.S. Case No. 13 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 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-I, Siwan in connection with Ziradei P.S. Case No. 13 of 2020 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)

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