

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22754 of 2020**

Arising out of PS. Case No.-17 Year-2019 Thana- FATEHPUR District- Kishanganj

Dev Raj Manjhi, Son of Bishnu Manjhi Resident of Village-Zeropani  
(Jharbari), P.S.-Gauriganj, District-Jhaapa (Nepal). ... .. Petitioner/s  
Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manish Jha, Advocate

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

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

2      04-09-2020                      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  
14.12.2019 in a case registered for the offences punishable  
under Section 414 of Indian Penal Code and Sections 11(a)(d) of  
Prevention of Cruelty of Animal Act, 1960, hence, the prayer for



bail has been made through the present application.

The prosecution case, as per the written report of A.S.I., Binod Mandal submitted to the Station House Officer, Fatehpur P.S., is to the effect that on 13.12.2019 at 6.10 P.M. informant along with other SSB members found one boy coming from Nepal to India carrying three animals, i.e., one cow and two oxen and on query, he disclosed his name as Devraj Manjhi, the petitioner.

It is submitted by learned counsel for the petitioner that there is nothing on record to suggest that the animals were stolen one or the animals were being carried for committing any cruelty 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.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering 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 ACJM-I Kishanganj in connection with Fatehpur P.S. Case No. 17 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 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 ACJM-I Kishanganj in connection with Fatehpur P.S. Case No. 17 of 2019.

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)**

Vikash/-

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