

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22741 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- PATEPUR District- Vaishali

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RANDHIR KUMAR Son of Sanjiv Singh Resident of Village-Bhushahi, P.S.-
Baligaon, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-09-2020 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 weeks 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 17.04.2020, in a case registered for the offences punishable under Sections 302 and 120B of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Ramesh Kumar Rai, submitted to the Station House Officer, Patepur is to the effect that on 25.04.2020 at about 7.45 P.M., the informant and his brother Om Prakash were at their medicine shop, in the meantime, Singheshwar Sah came and told the brother of the informant and one Vijay Sharma that he has to talk about something and consequently, he took the brother of the informant and Vijay Sharma on a motorcycle. After some time, the informant heard sound of gunshot when he and others went there and found that seven co-accused persons, namely, Singheshwar Sah, Uma Sah, Jay Prakash Sah, Uma Shankar Sah, Pankaj Kumar, Pramod Kumar and Rahul Kumar along with some unknown persons were fleeing away from the place of occurrence and the brother of the informant was lying in a pool of blood. Subsequently, the brother of the informant succumbed to the injuries.

Learned counsel for the petitioner submits that there is no eye-witness to the alleged occurrence and thrust of



accusation is against Singheshwar Sah. The statement of other injured Vijay Sharma has been recorded under Section 164 Cr. P.C., where he has stated that he was called by co-accused Singheshwar Sah when co-accused Rahul and Umesh Sah resorted to fire as a result, one bullet hit the brother of the informant (deceased) whereas other bullet hit him and Vijay Sharma has not named the petitioner. The name of the petitioner sprang up after three months of registration of the FIR, on the statement of some witnesses. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, in which he is on bail. 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 name of the petitioner sprang up on the statement of some of the witnesses.

Considering the fact that the other injured, Vijay Sharma in his statement, recorded under Section 164 Cr. P .C. has not named the petitioner, there is no specific accusation against the petitioner, the investigation has already been



concluded, period under custody and the trial is not likely to be concluded due to the pandemic, Covid-19, 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 C.J.M., Vaishali at Hajipur, in connection with Patepur P.S. Case No. 16 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 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 C.J.M., Vaishali at Hajipur, in connection with Patepur P.S. Case No. 16 of 2020.



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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