

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23898 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- JOGBANI District- Araria

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1. Vishal Kumar Mandal @ Vishal Mandal Son of Late Ram Shobit Mandal Resident of Village- Swastik Nagar Ward No.07, P.S.- Jogbani, District- Araria.
 2. Sunil Kumar Singh Son of Sailesh Singh Resident of Village- Swastik Nagar Ward No.37, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2020 The Court proceeding has been conducted through virtual mode.

Heard learned counsel for the petitioners 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 petitioners are languishing in custody since 14.03.2020 in a case registered for the offences punishable under Sections 341, 323, 324 and 307/34 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 Md. Raja submitted to the Station House Officer, Jogbani Police Station, is to the effect that on 11.03.2020 at 12.30 P.M., the brother of the informant, Habibullah came and conveyed to the informant that he was being assaulted by some unknown persons, in the meantime, on three motorcycles 6-8 persons including the petitioners came and assaulted the brother of the informant.

It is submitted by learned counsel for the petitioners that the accusation of assault is omnibus and general. The impugned order suggests that the injury report is not on record and investigation has already been concluded. Moreover, petitioners have also received injury. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the accusation of assault has been levelled against all the accused



persons.

Considering the fact that the accusation of assault is omnibus and general, the impugned order suggests that the injury report is not on record, moreover, petitioners have also received injury and investigation has already been concluded, coupled statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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 Additional Chief Judicial Magistrate-VI, Araria in connection with Jogbani P.S. Case No. 73 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two



sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Araria in connection with Jogbani P.S. Case No. 73 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)

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