

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23302 of 2020

Arising out of PS. Case No.-17 Year-2020 Thana- NTPC District- Patna

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1. Rakesh Kumar Son of Chandeshwar Yadav @ Chandeshwar Gop Resident of Village-Railly, P.O. and P.S.-NTPC, and District-Patna.
 2. Nitish Kumar Son of Chandeshwar Yadav @ Chandeshwar Gope Resident of Village-Railly, P.O. and P.S.-NTPC, and District-Patna.... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 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 petitioners 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 11.06.2019 in a case registered for the offences punishable



under Section 302/307/34 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Nageshwar Yadav recorded by S.I. of NTPC Police Station, on 09.03.2020, is to the effect that on 08.03.2020 that the marriage of the son of the informant Kamlesh Kumar was performed with the daughter of Shiv Shankar Yadav when two dancers were performing in the marriage ceremony, in the meantime, 5-6 boys arrived and stopped the dance which led to some hot exchange. In the meantime, they started firing, as a result of which Manoj Kumar, Jai Prakash Yadav and Amit Kumar received injuries. One boy was apprehended who disclosed his name as Jitendra Kumar and he further disclosed that his brother, Indrajeet Kumar resorted to firing. He also disclosed the name of other co-accused Rakesh Kumar, Nitish Kumar, the petitioners and co-accused Ankit Kumar and Soni Kumar. One of the injured Amit Kumar died on the way to hospital.

It is submitted by learned counsel for the petitioners that the petitioners were not apprehended on the spot and their name sprang up on the statement of apprehended co-accused Jitendra Kumar who specifically stated that the firing was made by co-accused Indrajeet Kumar and investigation has already



been concluded. 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 name of the petitioners sprang up on the confession of the co-accused Jitendra Kumar.

Considering the fact that the specific accusation of firing is against co-accused Indrajeet Kumar and investigation has already been concluded, coupled with the fact that petitioners are not having any criminal antecedents, 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 Judicial Magistrate, Sri P.K. Tiwary, Barh, Patna or concerned Court in connection with N.T.P.C. P.S. Case No. 17 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 they are 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 Judicial Magistrate, Sri P.K. Tiwary or concerned Court in connection with N.T.P.C. P.S. Case No. 17 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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