

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25193 of 2020**

Arising Out of PS. Case No.-48 Year-2020 Thana- BIHARIGANJ District- Madhepura

Ram Krishna Singh S/o Late Prayag Narayan Singh Resident of Village-
Gamail, P.S.-Bihariganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

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

2 23-09-2020 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
22.02.2020 in a case registered for the offences punishable



under Sections 302 and 120B/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 Babu Saheb Singh submitted to the Station House Officer, Bihariganj Police Station, is to the effect that on 19.02.2020 the mother of the informant, Chandrakala Devi was sleeping at his door and till 10.00 P.M. she was alright but 6.00 A.M. when the informant went to wake her up she was found dead. The reason for the death of the mother of the informant has been alleged by the informant that the petitioner, being his elder brother, always pressurized for partition of the land which was purchased in the name of the mother of the informant.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner and others. The mother of the informant was 75 years old and she died natural death. The written report also does not suggest that the mother of the informant died due to any foul play and in order to enjoy the entire landed property, the informant has filed the present case with false accusations and the 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 petitioner is named in the FIR.

Considering the nature of accusation based on suspicion, genesis of occurrence being land dispute and 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 Judicial Magistrate, Ist Class, Uda Kishunganj, Madhepura in connection with Bihariganj P.S. Case No. 48 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 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 Judicial Magistrate, Ist Class, Uda Kishunganj, Madhepura in connection with Bihariganj P.S. Case No. 48 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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