

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25195 of 2020

Arising Out of PS. Case No.-578 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

Bablu Mallah Son of Lalan Mallah Resident of Village- Bhagwanpur, P.O.
and P.S.- Bhagwanpur, District- Kaimur (Bhabhua), Pin Code-821102.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in

physical mode due to the present pandemic COVID-19,

the matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in custody since



29.09.2019 in a case initially registered for the offence punishable under Section 363 of the Indian Penal Code, 1860 but subsequently Sections 364(A)/34 of the Indian Penal Code and Section 25(1-B) a, 26, 35 of the Arms Act, 1959 were also added.

The prosecution case as per the written report of Bhim Chaurasia, submitted to the S.H.O, Bhabhua Police Station is to the effect that brother-in-law of the informant used to stay with him who went missing on 26.09.2019, leading to registration of the F.I.R against unknown. The petitioner was subsequently apprehended on suspicion who accepted the involvement of co-accused Chandrama Mallah, Ramdayal Ram and Gabbar Bind in the kidnapping of the victim boy, brother in-law of the informant. Subsequently, the victim boy was recovered from the house of co-accused Chandrama Mallah from where co-accused Ram Dayal Ram and Gabbar Bind were arrested.

Learned counsel for the petitioner submits that



for the occurrence of 26.09.2019, the F.I.R was registered on 27.09.2019 at 3:00 P.M. In 164 Cr.P.C statement, the victim boy has stated that he was kidnapped by co-accused Fulchand Bind and Krishna @ Kishan Bind and he did not name the petitioner. It is further submitted that co-accused Fulchand Bind, Krishna Bind and Chandrama Mallah who were arrested from the place of recovery of the victim boy i.e. from the house of co-accused Chandrama Mallah have been granted bail by Co-ordinate bench of this Court vide Cr. Misc. Nos. 82798 of 2019 and 5363 of 2020 respectively. The petitioner is accused in one other case in which, he is on bail and the investigation has already been concluded.

Learned A.P.P. submits that name of the petitioner sprang up during investigation and the main accused demanded ransom amount from the mobile phone of the petitioner.

Considering the circumstantial nature of



accusation and the fact that other co-accused persons who have been arrested from the place of captivity have been granted bail by Co-ordinate bench of this Court and the investigation has been concluded, 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 learned Additional Sessions Judge-III, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 578 of 2019, Trial No. 225 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 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 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. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 578 of 2019, Trial No. 225 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be 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 present application stands disposed of.

(Dinesh Kumar Singh, J)

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