

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25132 of 2020

Arising Out of PS. Case No.-83 Year-2008 Thana- MUNGER MUFFASIL District- Munger

1. JOGI SINGH @ YOGI SINGH Son of Late Ramswaroop Singh Resident of Village - Reta Tola (Athsaia), P.S. - Bariyarpur (Hiranmar), Distt. - Munger
2. Munna Singh Son of Late Ramswaroop Singh Resident of Village - Reta Tola (Athsaia), P.S. - Bariyarpur (Hiranmar), Distt. - Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2020 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 petitioners undertakes to remove the defect(s) within a peirod of four week 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 petitioners and the State.



The petitioners are languishing in custody since 13.01.2020, in a case registered for the offences punishable under Sections 302/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Turanti Patel, recorded by Munni Lal Ram, S.I.-cum-S.H.O., Bariyarpur Police Station on 11.04.2008 at 11.15 A.M. is to the effect that in the night of 11.04.2008, on hearing the gun shot firing and alarm raised by Raja Ram Patel, the informant woke up and saw five accused persons including the petitioners fleeing away from the scene when he found Raja Ram Patel dead with gunshot injury.

Learned counsel for the petitioner submits that admittedly the informant is not the eye-witness to the alleged occurrence and only on the basis of suspicion, the petitioners have maliciously been roped in the present case. It is further submitted that similarly situated co-accused Dilip Singh has been granted bail by a Co-ordinate bench of this Court, vide order dated 12.04.2016, passed in Cr. Misc. No. 15107 of 2016. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent. 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 petitioner is named in the FIR and subsequently during investigation, the name of the petitioner also sprang up.

Considering the fact that neither the impugned order nor the FIR suggest any direct evidence against the petitioner, similarly situated co-accused person has been granted bail by a Co-ordinate bench of this Court, the investigation has already been concluded and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect 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 C.J.M., Munger, in connection with Muffasil P.S. Case No. 83 of 2008.

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 petitioners 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 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 learned C.J.M., Munger, in connection with Muffasil P.S. Case No. 83 of 2008.

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)

Amrendra/-

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