

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25192 of 2020

Arising Out of PS. Case No.-427 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Pankaj Kumar @ Bhulla Son of Jai Prakash Rai Resident of Village - Veer
Kunwar Singh Colony, P.S.- Hajipur Town, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.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
31.01.2020 in a case registered for the offences punishable
under Sections 302, 120B of the Indian Penal Code and Section



27 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Satish Kumar Singh recorded by S.I., Vinay Kumar, Shastrinagar Police Station on 03.07.2019 at 1.40 P.M. at Paras Hospital, Patna, is to the effect that the informant and his elder brother, Mukesh Kumar Singh and bodyguards Dinesh Chandra Gupta and Deepak Kumar Singh had gone to their land at Dighi Kala East for of the land while returning back, when they reached near a vacant plot near Training School, four miscreants who were waiting in ambush, fired at the informant and his elder brother which hit in the right hand of the brother of the informant upon which he ran for some distance and fell down and the bodyguard resorted to fire. Subsequently, one of the miscreants fired on the head of the brother of the informant and they fled away. Thereafter, the brother of the informant was taken to the Sadar Hospital, Hajipur and from there he was taken to Paras Hospital, Patna where during treatment, the brother of the informant succumbed to the injury, leading to registration of the case against unknown.

It is submitted by learned counsel for the petitioner that the accusation of firing is not specific and part from the



confession of the petitioner, there is no cogent material against the petitioner and petitioner has not been put on T.I. Parade. The impugned order does not suggest that any cogent material has been collected during investigation against the petitioner and investigation has already been concluded. Though, the petitioner is accused in two other cases but he is on bail in those cases.

Learned APP for the State submits that the petitioner has confessed his guilt.

Considering the fact that the impugned order does not suggest that any cogent material has been collected during investigation against the petitioner, the petitioner has not been put on T.I. Parade and the fact that the investigation has already 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 427 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 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 427 of 2019.

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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