

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57327 of 2019

Arising Out of PS. Case No.-47 Year-2013 Thana- KHUDWA District- Aurangabad

SHIV SHANKAR RAJAK @ TYAGIJI @ BABA Son of Karamu Rajak
Resident of Village - Pachariya, P.S.- Rafiganj, Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

13 07-09-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since
25.02.2017, in a case registered for the offences punishable
under Sections 147, 148, 149, 427 and 302 of the IPC, Section
27 of the Arms Act, Section 3/4 of Prevention of Damage to
Public Property Act , Sections 3, 4 and 5 of the Explosive
Substances Act, Section 17 of the Criminal Law Amendment
Act and Sections 10 and 20 of the Unlawful Activities
(Prevention) Act, 1967

The prosecution case, as per the fardbeyan of
Sudha Devi, recorded by S.I., Anjay Chaudhary on 17.10.2013
at 9.30 P.M., is to the effect that on the same day at about 4.50



P.M., the informant along with co-villager, Arun Pandey was going by a motorcycle then she saw a Safari vehicle coming, in which her husband and others were sitting. Brij Kishore was coming by a motorcycle following the said Safari vehicle, whose licensee rifle was kept in the said Safari vehicle, but as soon as the vehicle reached near Chatra, strong explosion was made and altogether 7 persons died, leading to registration of FIR. Seven accused persons were named in the FIR. The petitioner was not named in the FIR, but his name subsequently sprang up on the confession of FIR named co-accused, Vijay Singh.

Learned counsel for the petitioner submits that no recovery has been made from the conscious physical possession of the petitioner nor any evidence has been collected against the petitioner during investigation. The petitioner was not named in the FIR. His name subsequently, sprang up on the confession of co-accused Vijay Singh, who has been granted bail by a Co-ordinate bench of this Court, vide order dated 04.03.2015, passed in Cr. Misc. No. 3841 of 2015, whereas other co-accused persons, Prakash Verma and Kariman Yadav have been granted bail by the bench vide order passed in Cr. Misc. Nos. 51966 of 2014 and 8718 of 2015, respectively. A statement has



been made in paragraph no.3 of the petition that the petitioner is accused in seven other cases, but a supplementary affidavit has been filed to the effect that in all the cases, the petitioner is on bail. 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, after going through the case diary, submits that several persons were killed in the explosion. Though, the petitioner was not named in the FIR, but his name subsequently sprang up on the confession of FIR named co-accused Vijay Singh and the petitioner is having serious criminal antecedent.

Considering the fact that the name of the petitioner sprang up on the confession of co-accused Vijay Singh, who has already been granted bail by a Co-ordinate bench of this Court, the investigation has already been concluded, the trial is not likely to be concluded due to the pandemic, Covid-19, let the petitioner above named be released on bail for the present provisionally for a period of six months on furnishing one surety to the satisfaction of the learned CJM., Daudnagar, District Aurangabad, in connection with Khudwan P.S. Case No. 47 of



2013.

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 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 six months after taking a report from the concerned police station to the effect that the petitioner does not get substantially involved in any other serious nature of offence or is regularly appear in in all the cases pending against him, 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 learned CJM., Daudnagar, District Aurangabad, in connection with Khudwan P.S. Case No. 47 of 2013.

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.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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