

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4874 of 2019**

Arising Out of PS. Case No.-233 Year-2018 Thana- GAYA MUFASIL District- Gaya

TINKU SINGH Son of Ishwari Singh Resident of Village- Kumhar Toli,  
Manpur, P.S.- Mufassil, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Deepak Kumar

For the Respondent/s : Mr.Binay Krishna

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

6      30-06-2020      The matter has been taken up through virtual court proceeding.

Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated 17.09.2019, passed by learned Special Judge, SC/ST Act, Gaya in Mufassil P.S. Case No. 233 of 2018, SC/ST Trial No. 395 of 2019, whereby the prayer for bail of the appellant has been rejected, hence the consequential prayer for grant of bail of the appellant has been made.

The prosecution case, as per the fardbeyan of Sonu Kumar, recorded by A.S.I., Madan Rai, on 13.07.2018, at Emergency Ward, in A.N.M.M.C.H. Gaya is to the effect that on 12.07.2018, the informant was taking juice at the juice stall, in the meantime, all the four accused persons including the appellant came and started abusing the informant. It is specifically alleged that the appellant abused the informant by



calling his caste name and thereafter he resorted to fire, causing injury on the right leg of the informant. Thereafter, other co-accused, Alok Kumar @ Chocha also resorted to fire causing injury on the right knee of the informant, though the other co-accused Kala @ Vishal Kumar also made assault to the informant, leading to registration of FIR.

It is submitted by learned counsel for the appellant that the appellant is languishing in custody since 30.01.2019. 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. Moreover, co-accused, Kala @ Vishal @ Vishal Kumar @ Kala has been granted bail by a Co-ordinate bench of this Court, vide order dated 16.09.2019, passed in Cr. App (SJ) No. 3190 of 2019. A statement has been made in paragraph no.3 of the petition that though the appellant is accused in ten other cases, but in all those cases, either the appellant is on bail or he has been acquitted.

Learned counsel for the State submits that the appellant is named in the FIR with specific accusation and the appellant is having serious criminal antecedent.



Considering the fact that there is no accusation of repeating the blow against the appellant, the investigation has already been concluded and the fact that the appellant is in custody since last one and half years, the order dated 17.09.2019, passed by learned Special Judge, SC/ST Act, Gaya in Mufassil P.S. Case No. 233 of 2018, SC/ST Trial No. 395 of 2019 is hereby set aside and the appellant above named is directed to be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge, SC/ST Act, Gaya in connection with Mufassil P.S. Case No. 233 of 2018, SC/ST Trial No. 395 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 appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant 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 learned  
Special Judge, SC/ST Act, Gaya in connection with Mufassil  
P.S. Case No. 233 of 2018, SC/ST Trial No. 395 of 2019.

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.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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