

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74561 of 2019

Arising Out of PS. Case No.-630 Year-2019 Thana- BUXAR District- Buxar

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1. SONU KUMAR, Son of Prem Ram, Resident of Village - Pakhanpura, P.S.- Bhawarkol, Distt.- Gajipur (U.P.)
 2. Dhannu Kumar @ Dhanu Kumar, Son of Prem Ram, Resident of Village - Pakhanpura, P.S.- Bhawarkol, Distt.- Gajipur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-06-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioners have preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 302, 201 and 120B of the Indian Penal Code.

The prosecution case as per the written report of Saryu
Singh submitted before the S.H.O., Buxar Town Police Station
is to the effect that on 02-09-2019, 10.30 A.M., during
patrolling, the informant received an informant that two boys
have pushed a girl into the river Ganga. However, the passersby



caught hold of the two boys. In the meantime, the police force reached there and apprehended two boys, who disclosed their names as Sonu Kumar and Dhannu Kumar, the petitioners. On inquiry, they disclosed that his sister, Amrita Kumari, aged about 15 years has become characterless and for the sake of reputation of the family members, they have pushed the victim girl into the river Ganga.

It is submitted by learned counsel for the petitioner that the whole case has been cooked up by the informant. The police has not examined any independent witness and submitted the charge-sheet. The specific case of the informant in the FIR is that two boys were caught hold of by the passersby, but the said passersby's names have not been disclosed and they have not been examined by the prosecution. During investigation, no effort was made to locate the body of the victim from the river Ganga. The petitioner is languishing in custody since 03-09-2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and the trial is not likely to be concluded in near future in the background of the fact that the court proceeding is not conducted in physical mode due to the present pandemic, Covid-19.



Learned APP for the State submits that the accusation is specific against the petitioner. Though the accusation is specific in the FIR against the petitioners, but the case diary available with the record reflects that only police personnel have been examined and no independent witness has been examined.

Considering the fact that the investigation has been concluded, statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, though the accusation is specific against the petitioners, but the case diary reflects that only police personnel have been examined, no independent witnesses have been examined which reflects the callous manner in which the investigation is being carried out, this Court is constraint to grant bail to the petitioner, 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 CJM, Buxar, in connection with Buxar (T) P.S. Case No. 630 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.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 CJM, Buxar, in connection with Buxar (T) P.S. Case No. 630 of 2019.

The learned Court below will further 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)

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