

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77065 of 2019**

Arising Out of PS. Case No.-157 Year-2017 Thana- BARGAINIA District- Sitamarhi

Chiranjeevi Sagar Son of Late Vindeshwar Bhagat Resident of Village -
Hajpurwa, P.S.- Runni Saidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Uday Chand Prasad

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

5 19-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner, who is languishing in custody since 30.09.2018 has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 307, 384 and 120(B)/34 of the IPC as well as Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Chaukidar Raghunath Paswan recorded by Sub-Inspector Vijay Kumar Singh on 17.06.2017 is to the effect that on the same day at 10.30 P.M., the informant was on duty, when he heard the sound of gun firing, and he went to enquire into the matter and came to know that some persons on two motorcycles resorted to



fire in front of the house of Sanni Kumar. The accused persons were demanded extortion from Sanni Kumar, leading to registration of FIR against unknown. The name of the petitioner sprang up during investigation.

It is submitted by learned counsel for the petitioner that neither there is any injury caused to anyone nor the extortion has been realized, and hence, case under Sections 307 and 384 of the IPC is not made out against the petitioner. Though the petitioner has serious criminal antecedent and he is accused in total 27 cases and in 10 cases, out of 27 cases, he has been acquitted and remaining 16 cases are pending against the petitioner. However, in one of them, he has been convicted.

It is submitted by learned APP for the State that the petitioner has serious criminal antecedent and the accusation is specific against him.

The report of learned trial court dated 01.06.2020 suggests that the charges have been framed, hence, there is no likelihood of trial being concluded in near future since the physical court proceeding is not functional due to present pandemic, COVID-19.

Considering the nature of accusation in the present case and fact that investigation is already 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, Sitamarhi in connection with Bargainia P.S.Case No.157 of 2017.

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.10,000/- (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 Chief Judicial Magistrate, Sitamarhi in connection with Bargainia P.S.Case No.157 of 2017.

Keeping in view of the serious criminal antecedent of the petitioner, the learned court below will positively cancel the bail bond of petitioner if he gets substantially involved in any case forthwith.

The learned Court below will be at liberty to extend



the further 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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