

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3496 of 2020

Arising Out of PS. Case No.-98 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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KRISHAN KUMAR @ KRISHNA KUMAR @ FEKNA S/o Raja Ram Sah
Resident of Ballam Tola Manjhaul, P.S.- Cheria Bariyarpur (Manjhaul O.P.),
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 28-05-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
13.10.2019 in a case registered for the offences punishable
under Sections 324,307/34 of the Indian Penal Code and Section



27 of the Arms Act.

The prosecution case got initiated on the basis of written report of Ram Kishore Sah submitted before the Station House Officer, Manjhaul (O.P.) Police Station is to the effect that on 29.06.2019 at 8.00 P.M., the son of the informant Sonu Kumar was coming from the market, in the meantime, two motorcycle riders resorted to fire. Thereafter, the accused persons escaped from the scene causing injury in the wrist and thigh of the informant's son.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR, rather the FIR was lodged against unknown but during investigation, certain persons have named the petitioner on the basis of suspicion as hearsay witness. There is no eye witness to the occurrence and only on basis of suspicion, the informant and others have named the petitioner on the basis of hearsay statement. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and the investigation has already been concluded.

Learned APP for the State submits that the name of the petitioner sprang up during investigation as one of the assailant.



Considering the fact that the investigation has already been concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 ACJM, Manjhaul, Begusarai, in connection with Cheria Bariyarpur P.S. Case No. 98 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 Adhar 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 ACJM, Manjhaul, Begusarai, in connection with Cheria Bariyarpur P.S. Case No. 98 of 2019.

The learned Court below is at liberty to further extend



the period of provisional bail if the lock down is not over in next
three months.

(Dinesh Kumar Singh, J)

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