

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86 of 2020

Arising Out of PS. Case No.-615 Year-2019 Thana- NARPATGANJ District- Araria

1. RAMASHISH SAH @ RAMASHISH SWARNKAR Son of Krishna Mohan Swarnkar Resident of Village - Ghurna, P.S.- Narpatganj (O.P.- Ghurna), District - Araria.
2. Chhedi Swornkar @ Munna Swarnkar @ Munna Son of Ramashish Swarnkar Resident of Village - Ghurna, P.S.- Narpatganj (O.P.- Ghurna), District - Araria.
3. Janki Devi Wife of Ramashish Sah @ Ramashish Swarnkar Resident of Village - Ghurna, P.S.- Narpatganj (O.P.- Ghurna), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajiv Ranjan Kr. Pandey
For the Opposite Party/s	:	Mr.Surendra Prasad Singh
For the Informant	:	Mr. Mukesh Kumar Rana

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 counsels for the petitioners, informant and learned counsel for the State.

The petitioners are languishing in jail since 29.10.2019 in a case registered for the offences punishable under Sections 148,149,341,323,326A,504 and 506 of the IPC.

The prosecution case, as per the written report of Bijay Thakur submitted to the SHO, Narpatganj Police Station, is to the effect that on 28.10.2019, eight accused persons including the petitioners came variously armed and in the background of



land dispute, they threatened the informant's side for transferring certain land in favour of other persons. It is further alleged that accused persons sprinkled acid on the informant's side causing injury to nine persons, leading to registration of the present case.

It is submitted by learned counsel for the petitioners that the accusation of sprinkling acid is omnibus and general and the present case has been filed in the background of earlier land dispute between the parties. There is counter version of the occurrence being Narpatganj P.S. Case No. 617 of 2017 registered under Sections 147,149,341,323,324,379,354,427,326 and 504 of the IPC. It is further submitted that out of nine injured persons, only Mahesh Thakur and Dinesh Thakur received grievous injury and rest of the persons have received simple injuries. However, from the petitioners' side also, four persons have received injuries, out of whom, three have received simple injuries. Moreover, in the FIR lodged by the petitioners' side, there is specific accusation of sprinkling acid by Bijay Thakur and Dinesh Thakur whereas the accusation in the present FIR is omnibus and general. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.



Learned APP and the learned counsel for the informant submit that the accusation is of sprinkling acid against the accused persons including the petitioners, though the accusation is omnibus and general but only two persons have received grievous injuries.

Considering the genesis of the occurrence being land dispute, investigation already being concluded, statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, there is counter version of the occurrence wherein petitioners' side have also received injury, coupled with the period in custody, let the petitioners above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety each to the satisfaction of the learned CJM, Araria in connection with Narpatganj (Ghurna) P.S. Case No. 615 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioners will be



confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Araria including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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