

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1985 of 2020

Arising Out of PS. Case No.-105 Year-2018 Thana- DAWATH District- Rohtas

Manoj Chaudhary, son of Shivmuni Chaudhri Resident of Village - Mathiya,
Babhanaul, P.S.- Dawath, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in jail since
04.11.2019 in a case registered for the offences
punishable under Sections 147, 148, 149, 341, 323,
308, 506, 379, 504, 307 of the Indian Penal Code.

The prosecution case as per the fardbeyan of
Babul Choudhary, recorded by S.I. Shyam Singh in
P.M.C.H., Patna is to the effect that on 11.07.2018 at
7:00 P.M., the informant was sitting in front of his house



when the petitioner along with other co-accused persons came and began fencing the land of the informant with the bambo sticks. On protest being made, co-accused Rajaram Chaudhary and Shivmuni Chaudhary caught hold of the informant and pushed him on the ground and ordered to kill him, uponwhich co-accused Suresh Chaudhary and Subhash Chaudhary assaulted the informant with lathi. It is further alleged that co-accused Suresh Chaudhary took Rs. 1500/- from the pocket of the informant and Manoj Chaudhary, while the petitioner assaulted with iron rod on the abdomen of the informant, as a result, he fell down on the ground and became unconscious.

Learned counsel for the petitioner submits that admittedly, the occurrence took place in the background of land dispute. Though the injury has been found grievous in nature but there is no accusation of repetition of blow by the petitioner. The investigation has already been concluded. Moreover, some of the co-



accused persons have already been granted bail by the learned Court below and the petitioner is in custody since 29.10.2019 and statement has been made in para 3 of the petition that the petitioner is not having any criminal antecedent.

Learned A.P.P. submits that petitioner is named in the F.I.R as an assailant and the injury has been found to be grievous.

Considering the genesis of the occurrence being land dispute and investigation already being concluded, period of custody 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 learned Sub-Divisional Judicial Magistrate, Rohtas in connection with Dawath P.S. Case No. 105 of 2018.

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 thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rohtas at Sasaram in connection with Dawath P.S. Case No. 105 of 2018 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)

Shageer/-Saif

U		T	
---	--	---	--

