

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3505 of 2020**

Arising Out of PS. Case No.-402 Year-2019 Thana- SHEKHPURA District- Sheikhpura

1. BITTU KUMAR Son of Masudan Prasad Resident of Village - Jiyan Bigha Kosra, P.S.- Sheikhpura, District - Sheikhpura
2. Arun Kumar Son of Masudan Prasad Resident of Village - Jiyan Bigha Kosra, P.S.- Sheikhpura, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

4      28-05-2020                      The matter has been taken up through virtual Court proceeding.

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

The petitioners are languishing in custody since 03.10.2019 and 21.10.2019 in a case registered for the offences punishable under Sections 341, 323, 354, 380, 307, 447, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Sunil Kumar, recorded by Doman Paswan, PMCH (O.P.) Police Station on 17.08.2019 at 5.40 P.M. is to the effect that on



16.08.2019 at 11.00 P.M., four accused persons, including the petitioners came armed with revolver, pistol and lathi and started abusing the informant. On protest being made, they resorted to fire, entered into the house and took away Rs.10,000/- cash, jewellery etc. It is alleged that the petitioners, Bittu Kumar and Arun Kumar fired on Bhuno which caused injury on the left side of the abdomen of the informant. When the mother of the informant, Saroj Devi came to rescue, then she was abused by co-accused, Madhusudan Prasad and Gautam Kumar whereas co-accused Madah Jha pulled her by catching her sari. Thereafter, the accused escaped from the scene.

It is submitted by learned counsel for the petitioners that in the background of old enmity, the accusation has been levelled. The accusation of firing is against two persons whereas admittedly, the informant has received one injury, hence it is difficult to suggest that due to which firing injury has been caused to the informant. It is further submitted that apart from the present case, the petitioners are accused in two other cases, but they are on bail in both the cases and the investigation has already been concluded and there is no likelihood of trial being concluded in near future.



Learned APP for the State submits that the the accusation of firing is against the petitioners.

Considering the fact that the investigation has already been concluded and the trial is not likely to be concluded in near future, let the petitioners 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, Sheikhpura, in connection with Sheikhpura P.S. Case No.402 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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Sheikhpura, in connection with Sheikhpura P.S. Case No.402 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)**

Ashwini/-

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