

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6615 of 2020

Arising Out of PS. Case No.-91 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

Rabindra Sahu @ Rabindra Kumar Sahu, Son of Govind Sahu, Resident of
Village - Pohaddi Bela, P.S.- Ghanshyapur, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 29-05-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with Ghanshyampur P.S. Case No.91 of 2019 instituted for the offence punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

The informant had gone to his *Sahan* land where he



saw a trailer parked. On objection being raised, the co-accused persons began abusing and assaulting him. It is alleged that the petitioner assaulted the informant with a sword on his head. When his son came to his rescue, he too is alleged to have been assaulted by the petitioner by an iron rod on his head.

The petitioner's Counsel submits that the petitioner and the informant are neighbours sharing a common boundary and there is a subsisting land dispute since before. The petitioner had earlier filed an application before the S.D.O. (Annexure 4) alleging that, in fact, the informant and his family members were attempting to forcibly grab the petitioner's land. In is in this background that the petitioner has falsely been implicated in this case. The petitioner is in custody since 22.11.2019 and has no criminal antecedents. Referring to the injury reports in respect of the two alleged blows attributed to the petitioner, he submits that both the injuries have been found to be simple in nature and there is no repeated blow.

Learned APP for the State has opposed the prayer for bail. It has been submitted that the assault stands corroborated by the injury reports.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.



Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Biraul, District-Darbhanga, in connection with Ghanshyampur P.S. Case No.91 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of



furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner shall be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned Sub-divisional Judicial Magistrate, Biraul, District-Darbhanga and the competent authority of the State in terms of clause (3) i of Notice II published in the Cause List uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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