

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6023 of 2020

Arising Out of PS. Case No.-95 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

Vikash Saw @ Vikash Sahu S/o Nawal Saw Resident of Village- Jhumathi,
P.S.- Muffasil, Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narain Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-05-2020 Heard.

The matter has been taken up through virtual court proceeding.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 498A, 504, 506/34 of the IPC and Section 37(b)(c) of Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018 as he is languishing in custody since 25.04.2019.

The prosecution case, as per the written report of Indradeo Sao submitted to the Station House Officer of Nawada Muffasil Police Station, to the effect that that the daughter of the informant was married with the petitioner in 2012 and they were blessed with two children but thereafter, she was being assaulted for non-fulfillment of further dowry demand of a motorcycle.



On 24.04.2019 the petitioner intoxicated condition assaulted the daughter of the informant, Reshma Devi with knife but she was ultimately saved by the villagers.

It is submitted by learned counsel for the petitioner that maliciously the case has been lodged and he is languishing in custody since 25.04.2019. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, investigation has already been concluded. It is further submitted that the petitioner is still ready to resolve the issue.

Learned APP, after going through the case diary, submits that there is specific accusation of assault with knife by the petitioner to his wife. The injury has been found to be grievous.

Considering the fact that the investigation has already been concluded and petitioner has remained in custody for a year, let the petitioner above named be released on bail for the provisionally for a period of four months on furnishing one surety to the satisfaction of the learned Additional District Judge-II -cum- Special Judge, Nawada in connection with Nawada Muffasil P.S. Case No. 95 of 2019.

However, 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 learned Court below will make serious effort to get the issue mediated between the petitioner and his wife thereafter the provisional bail will be confirmed after issue being resolved through mediation or if the mediation fails due to no latches on the part of the petitioner, 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 Additional District Judge-II -cum- Special Judge, Nawada in connection with Nawada Muffasil P.S. Case No. 95 of 2019 .

The learned Court below will further be at liberty to extend the period of provisional bail further if the lockdown, due to present pandemic, COVID-19, is not over.

(Dinesh Kumar Singh, J)

Amrendra/Dks

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