

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9266 of 2020

Arising Out of PS. Case No.-225 Year-2015 Thana- KHAGAUL District- Patna

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BHUPENDRA SHARMA Son of Shri Chandeshwar Sharma Resident of
Village-Saidpur, P.S.-Rani Talab, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Singh

For the Opposite Party/s : Mr.Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-06-2020 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 custody since

06.11.2019 in a case registered for the offence

punishable under Sections 307 of the Indian Penal Code.

It appears that vide order order dated

28.02.2020, a bench of this Court called for case diary

along with the injury report in connection with Khagaul

P.S. Case No. 225 of 2015 from the court of A.C.J.M.-V,

Danapur, District-Patna, but the office note dated

29.05.2020 reflects that only the case diary has been



received. Hence, the case is being heard on basis of materials available on the record.

The prosecution case as per the fardbeyan of Pankaj Yadav, recorded by A.S.I., Railway Police Station, Danapur, is to the effect that the informant was working in a Steel Plant and the petitioner was also living with his wife namely, Rupa Devi in neighbourhood of the informant. The informant developed intimacy with the wife of the petitioner. On 25.12.2015, the informant and the petitioner along with his wife had come to their native place. It is alleged that on 27.12.2015 at 01:00 P.M., the wife of the petitioner asked the informant to come to Khagaul through mobile phone and when the informant went there, the petitioner assaulted him with sharp cutting weapon on the neck of the informant.

It is submitted by learned counsel for the petitioner that despite the fact that the petitioner forbade the informant not to have affair with his wife, he continued to do so, as a result, the occurrence took



place. There is no injury report on record and the petitioner is not having any criminal antecedent. Statement to that effect has been made in paragraph no. 03 of the petition and investigation has already been concluded.

Learned counsel for the State submits that the case was registered in the year 2015 and the petitioner has been arrested in 2019.

Considering the genesis of the occurrence and the fact that this Court called for the case diary with injury report but instead of that injury report was not transmitted along with the case diary, 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 Additional Chief Judicial Magistrate, V, Danapur, Patna, in connection with Khagaul P.S. Case No. 225 of 2015.

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 Additional Chief Judicial Magistrate, V, Danapur, Patna, in connection with Khagaul P.S. Case No. 225 of 2015 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

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