

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9239 of 2020

Arising Out of PS. Case No.-1074 Year-2019 Thana- BIHTA District- Patna

CHANDAN KUMAR @ CHANDAN @ CHANDAN SINGH Son of Shri
Kapildeo Singh Resident of Village - Narhana, P.S.- Maner, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi
For the Opposite Party/s : Mr. Lalan Kumar

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
07.12.2019 in a case registered for the offences
punishable under Sections 341/323/307/504/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of
Md. Anwarul Haque, recorded by Shyamla Kumar,
S.H.O., Bihta Police Station to the effect that on
27.11.2019, the informant went to purchase vegetables



from the market, on the way one of his labourer, Bharat Kumar informed him by mobile phone that the contractor and his companions are assaulting the labourers. Thereafter, the informant returned back to the work site and found that co-accused Dev Kumar was abusing the labourers. On protest being made, co-accused Dev Kumar resorted to fire which hit Bharat Kumar and his brother Laxman Kumar and labourers of the informant. It is further alleged that co-accused Dev Kumar and Chandan Kumar, petitioner, also assaulted the informant and his father Doman Rai with iron-rod.

It is submitted by learned counsel for the petitioner that in the background of contract dispute, the accusation has been levelled. The petitioner is alleged to have assaulted with iron-rod, hence he had no intention to kill any one. Statement has been made in paragraph No. 3 of the petition that petitioner is not having any criminal antecedent.

Learned A.P.P. submits that petitioner is alleged



to have assaulted two persons though he further submits that there is no injury report of the informant in the case diary.

Considering the nature of accusation and the fact that petitioner is alleged to have assaulted the informant and his father Doman Rai when the injury report of Doman Rai does not suggest that he received any visible injury and the opinion with regard to the injury of the informant is not present in the case diary, coupled with the fact that investigation has already been concluded, 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-I, Danapur, Patna, in connection with Bihta P.S. Case No. 1074 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 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 Additional Chief Judicial Magistrate-I, Danapur, Patna, in connection with Bihta P.S. Case No. 1074 of 2019 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)

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