

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9078 of 2020

Arising Out of PS. Case No.-214 Year-2019 Thana- BAUSI District- Purnia

=====

Amar Sah, S/o Tirthanand Sah, R/o village- Chouni, P.S.- Baisi, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Bijendra Kumar Singh, learned counsel for the petitioner and Mr. Sanjay Kumar Tiwary, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 147, 341, 323, 307, 506 and 504 of the Indian Penal Code.

The prosecution case, as per the written report of Suryanand Sah submitted to the Station House Officer of Baisi Police Station, is to the effect that three days prior to the registration of the FIR, the measurement of the land was being conducted and on 06.09.2019, 13 FIR named accused persons



came variously armed, started abusing the informant and made assault. When the wife of the informant, Chameli Devi came to rescue him, the petitioner assaulted with a bamboo on her head causing cut injury on the head and she became unconscious, she also received injury on the nose, thereafter, all the accused persons including the petitioner escaped from the place of occurrence, assuming the informant's wife dead.

It is submitted by learned counsel for the petitioner that the accusation has been levelled, in the background of land dispute. There is counter version of the occurrence being Baisi P.S. Case No. 213 of 2019 and petitioner has also received injury in the said occurrence. It is further submitted that, though, the injury has been found grievous, but there is no accusation of repeating the blow. The petitioner is languishing in custody since 06.01.2020 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that there is specific accusation against the petitioner to have made assault on the head of the wife of the informant. Though, there is counter version filed by the petitioner's side but the injury of the petitioner has been found simple.



Considering the fact that in the FIR, the specific case of the informant is that the petitioner assaulted the wife of the informant with bamboo on her head which caused cut injury but the medical report does not suggest any injury on the head, though the injury caused on the nose is also alleged against the petitioner but considering the inconsistency and the fact that the occurrence took place in the background of land dispute and the investigation has already been concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 the learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 214 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 upon 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.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 Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 214 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

