

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9593 of 2020

Arising Out of PS. Case No.-105 Year-2019 Thana- BIRAUL District- Darbhanga

LALIT MUKHIYA S/O Swaroop Mukhiya Resident of Village - Kahua
Jagdishpur, Police Station - Biraul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-08-2020 The court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since
10.12.2019, in a case registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504
of the IPC.

The prosecution case, as per the fardbeyan of Ram
Gulam Mukhiya, recorded by A.S.I., Rama Shankar Paswan on
28.04.2019 at about 2.30 P.M. at D.M.C.H. Darbhanga is to the
effect that on 27.04.2019, when the informant along with his
wife and one daughter was harvesting crops, the other daughter
of the informant conveyed him through mobile phone that on
the purchased land, accused persons are making construction.



Thereafter, the informant returned to the house and protested when this petitioner assaulted on the head of the wife of the informant with Khanti and when the informant came to rescue her, the petitioner also assaulted him. It is further alleged that co-accused Baccha Babu Narayan, Rubi and Anita also assaulted the informant, his wife and his daughter with lathi, danda and iron rod, whereas co-accused Anita Devi, snatched a gold chain from the neck of the wife of the informant.

Learned counsel for the petitioner submits that in the background of land dispute, the accusation has been levelled. There is no accusation against the petitioner with regard to repeating blow. For the alleged occurrence of 27.04.2019, fardbeyan was recorded on 28.04.2019, but the FIR was lodged on 09.05.2019. 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 the petitioner is named in the FIR with specific accusation.

Considering the delayed lodging of the FIR, the accusation being levelled in the background of the land dispute and the fact that the trial is not likely to be concluded due to the pandemic, Covid-19, coupled with statement made in paragraph



no.3 of the petition to the effect 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 Additional Chief Judicial Magistrate, Biraul, Darbhanga, in connection with Biraul P.S. Case No. 105 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 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 learned Additional Chief Judicial Magistrate, Biraul, in connection with



Biraul P.S. Case No. 105 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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