

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 9820 of 2020**

Arising Out of PS. Case No.-91 Year-2019 Thana- JAIPUR District- Banka

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1. DENA MURMU @ DHENA MURMU Son of Late Matla Murmu Resident of Village- Rakt Rohna, P.S.- Jaipur, District- Banka.
 2. Lakhan Hansda Son of Hauwa Hansda Resident of Village- Jorli Kurum, P.S.- Jaipur, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Md Nurul Hoda, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 13-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Md Nurul Hoda, learned counsel for the petitioners as well as Ms Meena Singh, learned APP for the State.

Petitioners seek bail in Jaipur Police Station (for brevity, PS) Case No 91 of 2019 dated 22.12.2019 instituted for



the offence punishable under Sections 341, 323, 307, 379, 504, 506/34 of Indian Penal Code and Sections 37 (c) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, lodged by Bhuneshwar Yadav is that petitioners have accosted him while he was on his way and demanded money from his son. The petitioners are alleged to have assaulted the informant and both his sons and snatched Rs 20,500/- from informant's son, namely, Kishandev Yadav.

Learned counsel for the petitioners submits that in fact there was a free fight between both sides on account of aggression by the informant side leading to the injury caused to petitioner No 2. Injury report of petitioner No 2 has been placed on record as Annexure 1 to the bail application. The petitioners' side had, therefore, lodged Jaipur PS Case No 90 of 2019. The present case in which the petitioners have been made accused is subsequent to the case lodged by the petitioners and as a counterblast. The petitioners have no criminal antecedent. It is also submitted that the injury report in respect of the informant and his sons (Annexure 3 series) also make it abundantly clear that the same were simple in nature. The petitioners are in custody since 23.12.2019.

The learned APP for the State opposed the prayer for



bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for bail.

Accordingly, let the petitioners, abovenamed, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Banka in Jaipur PS Case No 91 of 2019 subject to the following conditions -

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

It is further made clear that during currency of the Nationwide lock down due to COVID 19 Pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioners be released on executing and furnishing their personal bonds to the satisfaction of the



Court concerned.

The petitioners must comply with the requirements of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioners will be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the Court of Additional Sessions Judge II, Banka and the competent authority of the State in terms of Clause 13 of Notice II published in the cause list uploaded on the Website of this Court.

(Madhuresh Prasad, J)

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