

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12808 of 2020

Arising Out of PS. Case No.-12 Year-2019 Thana- THARTHARI District- Nalanda

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1. Srikant Ravidas, S/o Late Bhaju Ravidas Resident of Village- Pendapur, P.S.- Tharthari, Distt- Nalanda.
 2. Rajnikant Ravidas, S/o Late Bhaju Ravidas Resident of Village- Pendapur, P.S.- Tharthari, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners and Mr. Dilip Kumar No. 1, learned APP for the State.

The present application has been preferred on behalf of the petitioners for grant of bail in connection with a case registered for the offences punishable under Sections 323, 341, 325, 307, 379, 504/34 of the Indian Penal Code. Subsequently, Section 302 IPC was also added.

The prosecution case, as per the written report of Sudha Devi submitted to the Station House Officer, Tharthari



Police Station, is to the effect that on 26.01.2019 at 8.00 A.M. the daughter of the informant and child of co-villager Amitabh Bacchan Ravidas were fighting. When the informant tried to pacify the issue in question whereupon co-accused Amitabh Bacchan Ravidas and petitioners, Rajnikant Ravidas and Srikant Ravidas came and for assaulting their children started abusing the informant. On protest being made, all the three accused persons started assaulting the daughter of the informant and when the husband of the informant came to rescue, he was also assaulted by the petitioners. It is specifically alleged that co-accused Arvind Kumar and Arun Kumar assaulted the husband of the informant, causing fracture injury on his leg. Subsequently, the husband of the informant succumbed to the injury while being treated in PMCH, Patna.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. The specific accusation is against co-accused Arvind Kumar and Arun Kumar. The investigation has already been concluded and similarly situated co-accused Amitabh Bacchan Ravidas, Arun Kumar and Arvind Ravidas @ Arvind Kumar have been granted bail by Co-ordinate bench of this Court vide order dated 24.10.2019 passed in Cr. Misc. No. 40932 of 2019, as contained



in Annexure-2. The petitioners are languishing in custody since 23.12.2019. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the accusation of assault has also been levelled against the petitioners.

Considering the fact that the accusation against the petitioners is omnibus and general, co-accused persons, against whom there is specific accusation of assault, have been granted bail by Co-ordinate bench of this Court, investigation has already been concluded and also keeping in view the accusation, the genesis of the occurrence, i.e., fight between the children of two families, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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 1st, Hilsa (Nalanda) in connection with Tharthari P.S. Case No. 12 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Hilsa (Nalanda) in connection with Tharthari P.S. Case No. 12 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)

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