

Arising Out of PS. Case No.-109 Year-2016 Thana- MASHRAK District- Saran

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- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : **Nr. Naresh Dikshit, Advocate**

Mrs.Kalpana, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioners and learned APP for the State.

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects the office will place the matter before the bench.

The petitioners are languishing in custody since 09.12.2019 in a case registered for the offences punishable



under Sections 341, 323, 324, 307 and 504 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Gunjan Ojha recorded by A.S.I., Shailendra Kumar Singh on 04.04.2016 at 5.55 P.M. at Primary Health Centre, Mashrak, is to that effect that on the same day at 2.00 P.M., all the accused persons including the petitioners entered into the premises of the informant and started abusing the family members. On protest being made, co-accused Suren Ojha made assault to the uncle of the informant on his head with spade, petitioner no. 2 Mukesh Ojha assaulted with lathi to the uncle of the informant on his back whereas petitioner no. 1 Akhilesh Ojha assaulted with lathi to the mother of the informant.

It is submitted by learned counsel for the petitioners that the impugned order does not suggest that any grievous injury has been caused to anyone and there is no accusation of repeating the blow. The petitioners are agnates of the informant and investigation has already been concluded. 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 been levelled against the petitioners.

Considering the fact that there is no accusation of repeating the blow, the petitioners are alleged to have made assault with lathi, the impugned order does not suggest any grievous injury and investigation has already been concluded, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Masrakh P.S. Case No. 109 of 2016.

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 Chief Judicial Magistrate, Saran at Chapra in connection with Masrakh P.S. Case No. 109 of 2016.

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

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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