

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12179 of 2020

Arising Out of PS. Case No.-220 Year-2018 Thana- KAKO District- Jehanabad

1. Pawan Kumar Son of Paraslal Sinduria Resident of Narabat, P.S.- Atari, District- Gaya. At present C/o Ranjan Lal (Renter), P.S.- Kako, District- Jehanabad.
2. Bichchi Devi Wife of Pawan Kumar Resident of Narabat, P.S.- Atari, District- Gaya. At present C/o Ranjan Lal (Renter), P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-08-2020 The Court proceeding has been conducted through virtual mode.

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

The petitioners have renewed the prayer for bail in a case registered for the offences punishable under Sections 341, 323, 302, 504 and 506/34 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 Parwati Kumar recorded by Pappu Kumar, S.I. of Kako P.S. on 20.09.2018 at 6.45 A.M. at Sadar Hospital, Jehanabad is to the effect that the informant, informant's husband and the petitioners, being the brother and brother's wife of the



informant, were residing as tenant in the house of Ranjan Lal. On 19.09.2018 at 4.30 P.M. in the background of quarrel between children, the petitioner and his wife assaulted the informant and husband causing injury to them. They also threatened not to lodge any case rearding the said incident. At 11.00 P.M., the brother of the informant, petitioner no. 1 Pawan Kumar came carrying a sharp cutting weapon, Fasuli and assaulted the husband of the informant causing injury on his left knee and thigh. Subsequently, the informant and her husband were taken to the hospital and during treatment the husband of the informant succumbed to the injury.

Considering the specific nature of accusation against the petitioners, earlier the prayer for bail was rejected vide order dated 16.11.2019 passed in Cr. Misc. No. 32913 of 2019 with liberty to renew the prayer for bail, if the trial is not concluded within a period of eight months.

It is submitted by learned counsel for the petitioners that till date the witnesses have not been examined and there is no likelihood of trial being concluded due to extraordinary circumstances created due to present pandemic, COVID-19, hence, the prayer for bail has been renewed.

Learned APP for the State submits that the accusation



is specific against the petitioners and the trial has not been concluded due to extraordinary circumstances created due to present pandemic, COVID-19

Having considered the prayer for renewal of bail of the petitioners and having taken notice of the report of learned Additional Sessions Judge-VI, Jehanabad dated 18.08.2020 to the effect that still only three witnesses have been examined as yet, when the earlier prayer for bail was rejected when two witnesses were examined, hence, in the last about 10 months, only one witness has been examined and there are still 5 witnesses are left to be examined, coupled with the fact that the accusation of assault against petitioner no. 2 is omnibus and general, that too, at the initial stage of the occurrence in evening. Thereafter, it appears that the informant or the husband of the informant did not require any medical assistance when it is alleged that they were severely assaulted with lathi and fists and slaps, whereas at 11.00 P.M. petitioner no. 1 is alleged to have assaulted the husband of the informant with sharp cutting weapon, which is specific against petitioner no. 1 which led to the admission of the husband of the informant to hospital for treatment where he succumbed to the injury, this Court is not inclined to grant bail to petitioner no. 1. Accordingly, the prayer



for bail of petitioner no. 1 is rejected.

So far petitioner no. 2 is concerned, in view of the fact that the accusation of assault is omnibus and general with lathi and fists and slaps at the initial stage of the occurrence when no grievous injury has been caused to the husband of the informant and the trial is not likely to be concluded in near future, let the petitioner no. 2 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 Sessions Judge-VI, Jehanabad in connection with Sessions Trial No. 25 of 2019/64 of 2019, arising out of Kako P.S. Case No. 220 of 2018.

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 no. 2 which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner no. 2 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 Additional Sessions Judge-VI, Jehanabad in connection with Sessions Trial No. 25 of 2019/64 of 2019, arising out of Kako P.S. Case No. 220 of 2018.

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 stands disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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

