

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19722 of 2020

Arising Out of PS. Case No.-186 Year-2019 Thana- BHAWANIPUR District- Purnia

1. RAJO SHARMA Son of Late Kishun Sharma Resident of Madhwapur, P.S.- Balia, O.P. (Bhawanipur), District- Purnea.
2. Sanjay Sharma S/o Rajo Sharma Resident of Madhwapur, P.S.- Balia, O.P. (Bhawanipur), District- Purnea.
3. Lucho Sharma Son of Rajo Sharma Resident of Madhwapur, P.S.- Balia, O.P. (Bhawanipur), District- Purnea.
4. Chandan Sharma Son of Sanjay Sharma Resident of Madhwapur, P.S.- Balia, O.P. (Bhawanipur), District- Purnea.
5. Lalo Devi Wife of Sanjay Sharma Resident of Madhwapur, P.S.- Balia, O.P. (Bhawanipur), District- Purnea.
6. Rupa Devi Wife of Lucho Sharma Resident of Madhwapur, P.S.- Balia, O.P. (Bhawanipur), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-07-2020 The Court proceeding has been conducted through virtual mode.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the



undertaken period, the office will place the matter before the bench.

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

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323 and 302 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Kaily Devi, recorded by Md. Iliyas, S.I, Baliya O.P. (Bhawanipur) Police Station on 29.11.2019 at 3.30 P.M. is to the effect that in the background of land dispute, all the petitioners assaulted the husband of the informant who subsequently succumbed to the injuries, leading to the registration of the present case.

It is submitted by learned counsel for the petitioners that admittedly, in the background of land dispute, the accusation has been levelled against the petitioners and the postmortem report suggests four injuries on the body of the victim when accusation of making assault is against six persons. It is further submitted that petitioner nos. 5 and 6 are lady and 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 the accusation is of making assault brutally to the husband of the informant who succumbed to the injuries.

Considering the genesis of the occurrence being land dispute, the accusation being omnibus and general, the accusation of assaulting the husband of the informant has been levelled against six accused persons but the postmortem report suggests only four injuries on the body of the victim and keeping in view of the fact that petitioner nos.5 and 6 are ladies, let petitioner nos. 5 and 6 above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below from today, on furnishing one surety to the satisfaction of the learned SDJM, Purnea, in connection with Bhawanipur (Balua) P.S. Case No.186 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 nos. 5 and 6 which may be transmitted by such surety to the learned Court concerned



through e-mode.

The provisional bail of the petitioner nos. 5 and 6 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 SDJM, Purnea, in connection with Bhawanipur (Balua) P.S. Case No.186 of 2019.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail of petitioner nos. 5 and 6 further if the court proceeding in physical mode will not resume in next three months.

Considering the nature of accusation, this Court is not inclined to grant anticipatory bail to petitioner nos. 1 to 4.

Accordingly, the prayer for bail on behalf of petitioner nos.1 to 4 is hereby rejected.

The present application stands disposed of.

(Dinesh Kumar Singh, J)

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