

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20735 of 2020

Arising Out of PS. Case No.-110 Year-2016 Thana- MASHRAK District- Saran

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1. Maya Singh Son of Late Vishwanath Singh Resident of Village - Padumpur,
P.S.- Mashrakh, District - Saran
 2. Uday Singh Son of Late Vishwanath Singh Resident of Village - Padumpur,
P.S.- Mashrakh, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, 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
within undertaken period, the office will place the matter before
the bench.



The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 188, 353, 504 and 506/34 of the Indian Penal Code.

The prosecution case, as per the written report of A.S.I., Satish Kumar Singh submitted to the Station House Officer, Mashrak Police Station, is to the effect that in pursuance to the complaint filed by Krishna Mahto, the informant went to make enquiry with regard to the land on 04.04.2016 at 5.00 P.M. and started enquiry, in the meantime, co-accused Anil Singh and petitioners Maya Singh and Uday Singh started abusing other side Krishna Mahto when the informant tried to pacify the issue but they obstructed in discharge of official duty.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the informant was siding other side Krishna Mahto and on protest being made, the petitioners have falsely been roped in the present case. It is further submitted that no injury has been caused to anyone and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. Moreover, co-accused Anil Singh has been granted anticipatory bail by Co-ordinate bench of this Court vide Cr. Misc. No. 54067 of 2019.



Learned APP submits that the petitioners are named in the FIR.

Considering the accusation being omnibus and general and similarly situated co-accused has been granted anticipatory bail, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned A.C.J.M., Saran at Chapra in connection with Mashrakh P.S. Case No. 110 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 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 which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (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 A.C.J.M., Saran at Chapra in connection with Mashrakh P.S. Case No. 110 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory 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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