

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20769 of 2020**

Arising Out of PS. Case No.-704 Year-2019 Thana- JAKKANPUR District- Patna

Abhishek Kumar @ Abhishek Raj Son of Upendra Narayan Prasad Resident  
of Mohalla-101 Khas Mahal, Chiraiyatand, near West of Water Tank, Patna-  
800001.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kamlendra Pd. Singh

For the Opposite Party/s : Mr.Anant Kumar 1

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      23-07-2020                      The Court proceeding has been conducted  
through virtual mode.

Since the physical court proceeding is non-  
functional due to the present pandemic COVID-19, the  
matter is listed with defects.

Learned counsel for the petitioner undertakes to  
remove the defects within three weeks of the resumption  
of the physical Court proceedings.

In case of non-removal of the defects, the  
office shall place the matter before the bench.

Heard learned counsel for the petitioner and



learned counsel for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 342, 447, 448, 323, 307, 379, 385, 504 and 506/34 of the Indian Penal Code, 1860.

The prosecution case as per the fardbeyan of Pankaj Kumar recorded by S.I. Dineshwar Upadhayay, Jakkanpur P.S. on 25.10.2019 at 11:00 P.M. at Camp Sri Raj Trust Hospital, is to the effect that on the same day, the neighbour of the informant Murli Kumar and Abhishek Kumar asked the informant's younger brother Suraj Kumar, who runs a stationary shop to brought tobacco and when he refused to bring the same, he was being assaulted. The brother of the informant went to lodge the F.I.R but the informant tried to pacify the issue by going to the accused house where Murli Kumar, Girija Singh and few other accused persons abused the informant and with a piece of asbestos assaulted on the head of the informant. Thereafter, Murli Kumar



assaulted with iron rod on the head of the informant. The issue was being pacified by the local people but the younger brother of Murli Kumar snatched gold chain of the informant and rupees twenty thousands of the informant was snatched by co-accused Girija Singh. It is alleged against the petitioner that he demanded rupees fifty thousands as extortion.

It is submitted by learned counsel for the petitioner that accusation of assault has not been levelled against the petitioner. The impugned order suggests that injury has been found simple. The informant's side has subsequently filed an application before the learned Court below retracting from the initial accusation. A statement has been made in para 3 of the petition that petitioner is not having any criminal antecedent.

It is submitted by learned A.P.P. for the State that though there is no accusation of assault against the petitioner but he demanded extortion demand of rupees



fifty thousands.

Considering the fact that accusation of assault has not been levelled specifically against the petitioner, the genesis of the occurrence being a petty dispute and the petitioner not having any criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Patna in connection with Jakkanpur P.S. Case No. 704 of 2019, subject to the conditions as laid down under Section 438(2) 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 which may be transmitted by such surety to the learned



Court concerned through e-Mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Patna in connection with Jakkanpur P.S. Case No. 704 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be 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 present application stands disposed of.

Shageer/DKS

**(Dinesh Kumar Singh, J)**

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