

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20761 of 2020

Arising Out of PS. Case No.-131 Year-2019 Thana- SONEPUR District- Saran

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KAMESHWAR SINGH Son of Late Laxmi Singh Resident of Village -
Sabalpur, P.S.- Sonapur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-07-2020 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 within

undertaken period, 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 offences punishable under Sections 341, 323, 325, 307, 379, 504/34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Dinesh Singh submitted to the SHO, Sonpur Police Station is to the effect that on 28.02.2019 at 4:30 P.M. when the informant was going to market along with his brother, in the meantime, seven accused persons surrounded the informant and started assaulting brother of the informant Mahesh Singh. The accused persons also assaulted the informant. It is alleged that petitioner Kameshwar Singh assaulted Govind Singh with iron rod on his head.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. The accusation against the petitioner is of making assault with iron rod to Govind



Singh but there is no accusation of repeating the blow and the injury has been found to be superficial, simple in nature. Moreover, the petitioner is not having any criminal antecedent, a statement to that effect has been made in para 3 of the petition.

Learned A.P.P. submits that accusation of assault on the head of Govind is specific against the petitioner.

Considering the genesis of the occurrence, there being no accusation of repeating the blow and the injury has been found to be simple in nature, 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 Saran at Chhapra in connection with Sonpur P.S. Case No. 131 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 Saran at Chhapra in connection with Sonpur P.S. Case No. 131 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.

(Dinesh Kumar Singh, J)

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