

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1087 of 2020**

Arising Out of PS. Case No.-93 Year-2019 Thana- MAHESHKHUNT District- Khagaria

RAVISH KUMAR Son of Arvind Yadav Resident of Village- Madarpur, P.S.-
Maheshkhunt, District- Khagaria.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 11-06-2020 This application has been placed for consideration by the
order of the Hon'ble the Chief Justice through virtual court
proceeding.

Heard learned counsel for the appellant and learned
Special PP for the State.

The Appellant in the present case is seeking to challenge
the order dated 03.01.2020 passed in Mahesh Kunt P.S. Case No. 93
of 2019 for the offences alleged under Sections 307, 506, 34 IPC and
Section 3(i)(v) of SC/ST Act and Section 27 of Arms Act passed by
learned Additional Sessions Judge 1st Khagaria cum Special Judge
SC/ST Act Khagaria by which the prayer for regular bail of the
appellant has been rejected.

It appears from the records that some defects have been
pointed out by the Stamp Reporter, however considering the present
circumstance the pandemic period as usual the Court entertains this



application by recording the undertaking of the learned counsel for the appellant that within two weeks after start of normal functioning of the Court learned counsel for the appellant shall remove all the defects.

Learned counsel for the appellant submits that from the First Information Report it will appear that the informant has made allegations against four accused persons including this petitioner of causing fire, however the FIR itself states that from the alleged firing of this petitioner informant did not suffer any injury.

Learned counsel for the appellant submits that the whole allegation is baseless and from the impugned order it will appear that in the case diary there is no injury report, still a case has been concocted against the appellant. It is further submitted that very recently on 01.06.2020 a learned Coordinate Bench of this Court has been pleased to allow the prayer for bail on behalf of co-accused Rupesh Kumar in Criminal Appeal (SJ) No. 709 of 2020. A copy of the said order has also been placed on the record. These submissions remain uncontroverted by learned Spl. P.P.

This Court has gone through the materials available on the record. On perusal of the First Information Report, it is evident that the informant has not suffered any firearm injury allegedly due to the firing made by this petitioner. Learned Sessions Judge observed that in the case diary there was no injury report and while considering the case of the co-accused of similarly situated the learned Coordinate



Bench has noted similar circumstance. The case of the appellant is standing on a better footing as he has no criminal antecedent.

Thus, in the facts and circumstances of the case, the impugned order is hereby set aside. The appellant is directed to be released on bail in connection with Mahesh Kunt P.S. Case No. 93 of 2019 on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge 1st cum Special Judge SC/ST Act Khagaria, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities



concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This appeal is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

