

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20119 of 2020

Arising Out of PS. Case No.-270 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

1. RAUSHAN KUMAR @ RAUSHAN CHAUDHARY Son of Mohan Chaudhary Resident of Village - Dhanuki, P.S.- Makhdumpur, Dist.- Jehanabad.
2. Suraj Chaudhary Son of Dayal Chaudhary Resident of Village - Dhanuki, P.S.- Makhdumpur, Dist.- Jehanabad.
3. Vinay Chaudhary Son of Shivilal Chaudhary Resident of Village - Dhanuki, P.S.- Makhdumpur, Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2020 The matter has been taken up through virtual court proceeding.

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

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within the said period, the office will again place the matter on board.

Heard learned counsels for the petitioner and the



State.

The petitioners, who are apprehending their arrest, have preferred the present application for grant of bail in a case registered for the offences punishable under Sections 341, 323, 324, 326, 307 and 504/34 of the IPC and Section 37(a)(c) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018 (hereinafter referred to as 'the Act').

The prosecution case, as per the written report of Sumant Kumar, submitted to the S.H.O., Makhdumpur Police Station is to the effect that on 17.06.2019, the informant was sitting adjacent to the school, when all the FIR named accused persons including the petitioners came in inebriated condition when co-accused Mohan Chaudhary assaulted the informant with a farsa causing cut injury on his head, as a result, the informant became unconscious and when Sintu came to rescue him then co-accused Bind Chaudhary assaulted him with a garasa causing cut injury on his head, whereas co-accused Nagendra Chaudhary pushed him on the ground.

It is submitted by learned counsel for the petitioners that specific accusation of assault is against co-accused Mohan Chaudhary and Bind Chaudhary, who were apprehended from the spot. In the background of dispute with regard to



implementation of Nal Jal Scheme, the accusation has been levelled against the petitioner. It is further submitted that the wife of co-accused Bind Chaudhary has also lodged Makhdumpur P.S. Case No. 272 of 2019 against the informant of the present case and others with accusation under Sections 323, 341, 147, 149, 354, 354B, 504, 506 and 379 of the IPC for the same occurrence. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that specific accusation of assault has been levelled against co-accused Mohan Chaudhary and Bind Chaudhary and not against the petitioners, and the statement made in paragraph no.3 of the petition to the effect that the petitioners are not having any criminal antecedent, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months on their surrender and arrest before the learned Court below within a period of three weeks from today, on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-II, Jehanabad in connection with Makhdumpur P.S. Case No. 270



of 2019.

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.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 learned Additional Sessions Judge-II, Jehanabad in connection with Makhdumpur P.S. Case No. 270 of 2019.

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

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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