

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1074 of 2020**

Arising Out of PS. Case No.-44 Year-2020 Thana- BARAUNI District- Begusarai

MURARI KUMAR S/O Deo Nandan Choudhary Resident of Village -
Simaria, P.S.- Barauni (Chakia), District- Begusarai

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Nishant Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-06-2020 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 earned
Spl. P.P. for the State.

This appeal is preferred against the order dated
18.02.2020 passed by learned Special Judge, SC/ST (Prevention
of Atrocities) Act, Begusarai in connection with Barauni
(Chakia O.P.) Case No. 44 of 2020 registered under Sections
341, 323, 379, 307, 504, 506/34 of the Indian Penal Code and
Sections 3(i) (r) (s)/3(2) (va) of SC/ST (Prevention of Atrocities)
Act whereby the prayer for regular bail of the appellant has been
rejected.

Learned counsel for the appellant submits that as per



prosecution story, the alleged occurrence took place on 01.02.2020 at about 8:30 p.m. when the informant was in his shop. It is alleged that all the accused persons asking to give cigarette but on demanding the price of cigarette all the accused persons including this appellant got furious, abused him and hurled the pistol. So far as this petitioner is concerned, the allegation against him is that he had inflicted an injury on the head of the informant and abused him by calling his caste name.

Learned counsel for the appellant submits that the allegations are false and frivolous and that the injury alleged has been found to be simple in nature. The fact that the injury has been found simple in nature has been taken note of by the learned court below in the impugned order. It is submitted that the appellant has remained in custody since 03.02.2020 and the investigation against him is complete. Learned counsel further submits that if the petitioner is released on bail he would abide by the terms and conditions for grant of regular bail.

Learned Spl. P.P. has opposed this appeal.

Finding that the injury alleged is simple in nature and the appellant has remained in custody for four months and the statutory period for completion of investigation has already expired and it is the submission of learned counsel for the



appellant that the investigation against him is complete, let the appellant above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (Prevention of Atrocities) Act, Begusarai in connection with Barauni (Chakia O.P.) Case No. 44 of 2020, 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.

Impugned order is set-aside.

This appeal stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

