

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20637 of 2020

Arising Out of PS. Case No.-948 Year-2019 Thana- SAHARSA District- Saharsa

SATYAM KUMAR Son of Naresh Mishtri Resident of Village - Sarahi, Ward
No. 05, P.S.- and Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Verma

For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 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 307, 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1957.

The prosecution case as per the written report of Kundan Kumar submitted to the SHO, Saharsa Sadar Police Station is to the effect that on 20.10.2019 the petitioner and co-accused Vinay Kumar were passing through a motorcycle in front of the house of the informant but due to reckless driving the mud slips on the body of the informant and when protest was made by the informant, both the accused persons started assaulting the informant when on order of co-accused Vinay Kumar, the petitioner resorted to fire from his pistol but it did not hit the informant and on alarm being raised, the accused persons escaped from the scene.

Learned counsel for the petitioner submits that for a petty dispute, the accusation has been levelled. In



fact, no injury has been caused to the informant.

A statement has been made in para 3 of the petition that petitioner is not having any criminal antecedent.

Considering the aforestated facts, 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 948 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 948 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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