

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20466 of 2020

Arising Out of PS. Case No.-125 Year-2018 Thana- SALAKHUA District- Saharsa

1. Muskan Kapper @ Tutu Kumar Son of Sushil Kapper Resident of Village - Raghunathpur, P.S.- Sahebpur Kamal, District- Begusarai
2. Rohit Ray Son of Late Bhikhari Rai Resident of Village - Raghunathpur, P.S.- Sahebpur Kamal, District- Begusarai
3. Randhir Kapper @ Yadav Son of Mauku Yadav @ Chandramauli Yadav Resident of Village - Lakhiminiya, P.S.- Balia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2020 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 petitioners is expected to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects, the office shall place the matter before the bench.

Heard learned counsel for the petitioners and



learned counsel for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 342, 307 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1989.

The prosecution case as per the written report of Lalu Kumar submitted to the S.H.O. Salakhua Police Station is to the effect that on 01.06.2018 at about 5:00 A.M., the informant was going to his agricultural land in the mauza Buldahi but on the way, seven accused persons namely, Muskan Kapper (petitioner No. 1), Sumeet, Rohit Ray (petitioner No. 2), Randhir Kappar (petitioner No. 3) and co-accused Officer Kapper, Sujeet Kapper, Kabir Kapper and Sushil Kapper surrounded the informant and starting assaulting him with cane and when the informant tried to escape from the scene then co-accused Officer Kappar resorted to fire causing injury on the right knee of the informant. On arrival of the local people, the accused persons escaped from the



scene.

Though none is appearing on behalf of the petitioners since long but from perusal of the pleadings, it appears that specific accusation of firing is against co-accused Officer Kappar who is not petitioner before this Court. A statement has been made in para 8 of the petition that Officer Kappar has been granted regular bail vide Cr. Misc. No. 30275 of 2019. There is omnibus and general accusation against all the accused persons of making assault to the informant.

Learned A.P.P. for the State submits that petitioners are named in the F.I.R. with accusation of making assault to the informant.

Since petitioner No. 1 Muskan Kappar is accused in three other cases, let learned Court below consider the prayer for regular bail of the petitioner No. 1, preferably on the same day, if he surrenders within a period of ten weeks from today.

So far as petitioner Nos. 2 and 3 are



concerned, since there is omnibus and general accusation against all the accused persons, let the petitioner Nos. 2 and 3, above named, in the event of their 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 Salkhua P.S. Case No. 125 of 2018, 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 petitioners 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. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Salkhua P.S. Case No. 125 of 2018 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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