

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20020 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- BARHARA District- Bhojpur

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Prabhakar Prasad @ Prabhakar Bind Son of Shobhlayak Bind Resident of
Village - Semariya, P.S.- Barhara, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra Pratap Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-06-2020 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 case has been

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, office

will place the matter before the bench.

Heard learned counsel for the petitioner and



learned counsel for the State.

The petitioner is languishing in custody since 14.11.2019 in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Manoj Sao, recorded by S.I. Prashant Kumar, S.H.O, Barahara Police Station on 20.04.2019 at 1:00 P.M. at Sadar Hospital, Bhojpur, Ara is to the effect that on 19.04.2019 at 10:00 P.M, a marriage ceremony was going in adjacent to the house of the informant and near the place of marriage ceremony, co-accused Manrakhan Bind and Jay Lal were running wheat thresher machine, as a result, a huge dust was coming out from the same. On protest being made, it is alleged that co-accused Manrakhan Bind assaulted with lathi on the leg of the informant, causing fracture injury. In the meantime, co-accused Jaylal Bind assaulted with Dabia to Manjay Sao on his left hand causing cut injury on his two fingers and



on the order of co-accused Manrakhan Bind, altogether twenty four accused persons including the petitioner arrived at the place of occurrence and they made assault with bricks, stones, lathi to Faguni Sao who subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioner that Faguni Sao is alleged to have been assaulted by twenty four persons whereas only one injury has been found during postmortem on the head of the victim. However, after several days of the case being registered, one witness suggested that this petitioner made assaulted with iron rod on the head of the victim. Moreover, similarly situated co-accused persons Ram Chandra Prasad and Manrakhan Bind have been granted bail by different benches of this Court vide Cr. Misc. No. 48554 of 2019 and Cr. Misc No. 51108 of 2019 respectively.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent and



the investigation has already been concluded.

Learned A.P.P. for the State submits that though in the F.I.R, it is alleged that victim was assaulted by twenty four persons but during investigation, it came to light through a witness that this petitioner made assault with iron rod on the head of the victim.

Considering the fact that there is specific accusation in the F.I.R that twenty four persons assaulted the victim which is not being corroborated by the medical opinion which suggest only one injury and after several days of the registration of F.I.R, one witness claimed to have seen the petitioner causing injury on the head of the victim by iron rod clouds the *bona fide* of the statement and the investigation being concluded, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in



connection with Barhara P.S. Case No. 138 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 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, Bhojpur at Ara in connection with Barhara P.S. Case No. 138 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.

(Dinesh Kumar Singh, J)

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