

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20121 of 2020

Arising Out of PS. Case No.-412 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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NAWAL RAI, Son of Late Paltan Rai, Resident of Village - Harpur Ganesh,
P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2020 The Court proceeding has been conducted through
virtual mode.

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

Learned counsel for the petitioner undertakes to
remove the defects within a period of three weeks on
resumption of physical court proceeding.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
bench.

Heard learned counsel for the petitioner and learned
APP for the State.



The petitioner apprehends arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code, 1860.

The prosecution case got initiated on the Fardbeyan of Ranjeet Kumar, recorded by Lalan Kumar Jha, A.S.I., Ahiyapur Police Station on 28.05.2019 at 10.00 A.M. is to the effect that the informant runs a grocery shop and the co-villager Nawal Rai, the petitioner earlier had taken some groceries articles worth Rs.1300/- on credit and thereafter on 26.05.2019 at 7.30 P.M., he again came at the grocery shop of the informant and wanted to have some articles on credit worth Rs.1000/- , but the informant refused to give the same until the earlier due amount is being paid to him, whereupon the petitioner started abusing and threatening the informant. After ten minutes, 11 accused persons, including the petitioner came and the petitioner assaulted on the head of the informant with a sword causing bleeding injury and other co-accused, also assaulted him with lathi and danda and when the informant's uncle, Shiv Chandra Rai came to rescue, he was also assaulted by the accused persons. Thereafter, the accused persons also assaulted the grand father of the informant, Lakhan Rai and younger brother Bijendra Kumar and cousin sister, Jyoti Kumari. It is also



alleged that the petitioner and co-accused, Manoj Kumar took away Rs.7000/- from the cash box of the informant.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 26.05.2019, the fardbeyan was recorded on 28.05.2019 and the FIR was registered on 06.06.2019 at 12.50 P.M. whereas at earlier point of time, the petitioner's side has also lodged a case being, Kanti P.S. Case No. 410 of 2019 on 06.06.2019 at 12.30 P.M. for the same occurrence. The petitioner is alleged to have made assault to the informant with a sword, but the injury has been found simple and co-accused, Manoj Rai has been granted bail by a Co-ordinate bench of this Court vide order dated 18.12.2019, passed in Criminal Miscellaneous No. 72756 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the genesis of the occurrence being dispute with regard to giving the articles on credit, the fact that the injury report suggests simple injury caused to the informant, there is no accusation of repeating the blow against the petitioner, the case lodged by the petition's side at earlier point



of time, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 the learned SDJM (West) Muzaffarpur, in connection with Kanti (Panapur O.P.) P.S. Case No. 412 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.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned SDJM (West) Muzaffarpur, in connection with Kanti (Panapur O.P.) P.S. Case No. 412 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further 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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