

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20519 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- BUDDHACOLONY District- Patna

1. Sanjay Singh Son of Late Indra Prasad Singh Resident of Village - Makhdumpur, Gate no.90, P.S.- digha, Dist.- Patna.
2. Sujal Kumar Singh Son of Shri Sanjay Singh Resident of Village - Makhdumpur, Gate no.90, P.S.- digha, Dist.- Patna.
3. Satya Prakash @ Satya Prakash Singh Son of Late Shiv Shankar Singh Resident of Village - New Punaichak, P.S.- Shastri Nagar, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shri Prakash Srivastava

For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-09-2020 The matter has been taken up through virtual

Court proceeding.

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 undertakes 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 341, 323, 325, 307, 506/34 of the Indian Penal Code, 1860.

The prosecution case as per the fardbeyan of Sagar Yadav, recorded by S.I. Yogendra Yadav of Shashtrinagar Police Station in the Emergency Ward of Paras Hospital on 25.01.2020 is to the effect that on 25.01.2020 when the informant was getting the contract work of earth filling done at Baas Ghat, all the three petitioners came and further it is alleged that petitioner No. 3 who was armed with riffle started assaulting the informant with the butt of the riffle on the soldier, left hand and abdomen. In the meantime, friend of the informant Aditya Priyadarshi came to rescue who was also assaulted by all the accused persons, as a result, both of his hands got fractured. Thereafter the



petitioners along with fifty other accused persons started assaulting supervisor Suraj Lal with iron rod, as a result, he received fracture injury on his hand. They also threatened not to pursue the contract work.

It is submitted by learned counsel for the petitioners that in the background of contractual rivalry, the accusation has been levelled. For the occurrence of 25.01.2020 at 3:00 P.M., the F.I.R was registered on 27.01.2020 at 3:30 P.M. Moreover, the occurrence took place within the territorial jurisdiction of Budha Colony Police Station but the case was registered in Shastri Nagar Police Station which clouds the prosecution. The petitioner got the injury report prepared at Paras Hospital, a private hospital. The injury of the informant has been found only swelling and tenderness though nature of injury has been described as grievous but it is not specified that out of four injuries, which injury is grievous. Moreover, the injury has been opined to have been made by physical assault, on the contrary, the



specific case of the informant is that the informant has been assaulted with the butt of the riffle. There is no specific accusation as to who out of three has assaulted the friend of the informant causing swelling and abrasion. The petitioners and fifty others are alleged to have assaulted Rahul Kumar Sinha with the butt of the riffle and iron rod but the injury report of Rahul Kumar reflects only one injury, simple in nature.

Learned A.P.P. submits that accusation is specific of assaulting by butt of the riffle against the petitioner No. 3.

Considering the nature of accusation against petitioner No. 3, this Court is not inclined to grant anticipatory bail to petitioner No. 3. His prayer for anticipatory bail stands rejected.

Considering the fact that for the alleged occurrence on 25.01.2020 at 3:00 P.M, the F.I.R was registered on 27.01.2020 at 3:30 P.M, admittedly, the occurrence took place within the territorial jurisdiction of



Budha Colony Police Station but the F.I.R has been registered in Shastri Nagar Police Station, coupled with the fact that accusation is not being corroborated with the medical opinion and the petitioners are not having any criminal antecedent, let the petitioner Nos. 1 and 2, 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 Additional Chief Judicial Magistrate, 2nd, Patna in connection with Budha Colony P.S. Case No. 30 of 2020, 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 Additional Chief Judicial Magistrate, 2nd, Patna in connection with Budha Colony P.S. Case No. 30 of 2020 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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