

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20242 of 2020

Arising Out of PS. Case No.-313 Year-2019 Thana- RAJGIR District- Nalanda

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Rahul Kumar @ Golu Son of Ravi Prasad @ Kapil Prasad Resident of Village
- Panditpur, P.O.- Rajgir, P.S.- Rajgir, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan

For the Opposite Party/s : Mr. Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2020 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 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, 120(B) of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1989.

The prosecution case as per the fardbeyan of Bablu Kumar recorded by Mukesh Choudhary, S.I. of Rajgir Police Station on 22.08.2019 at P.M.C.H., Patna is to the effect that the informant works as a painter. On 21.08.2019 at 1:00 P.M., the informant received a call on his mobile phone and the caller asked him to come at Giriyak Market, when he reached there, he was asked to come at Silaw road and when he reached there, two motorcycle borne persons came and offered the informant liquor. When the informant refused to take it, the pillion rider fired from his pistol, causing injuries to the informant and his staff, thereafter, both persons fled away. It is lastly alleged that in the commission of the offence, the informant suspected the hands of co-



accused Mangal @ Mannu, Bimla Devi and Rahul Kumar @ Golu, the petitioner in the background of land dispute.

Learned counsel for the petitioner submits that the informant happens to be the maternal uncle of the petitioner. Admittedly, in the background of land dispute, the petitioner has falsely been roped in the present case and the case of the informant is specific that some unknown person resorted to fire, hence, no case under Section 307 of the I.P.C is made out against the petitioner. Moreover, similarly situated co-accused Mangal @ Mannu Kumar has been granted bail by a Co-ordinate bench of this Court vide order dated 04.12.2019 passed in Cr. Misc. No. 79114 of 2019. Though the petitioner is accused in one other case in which, he is on bail.

Learned A.P.P. submits that petitioner is named in the F.I.R.

Considering the accusation being levelled in the background of earlier land dispute, the petitioner being



the maternal uncle of the informant, accusation of firing not being made against the petitioner, co-accused being granted bail by a Co-ordinate bench of this Court and investigation being concluded, 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 Additional Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Rajgir P.S. Case No. 313 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 Additional Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Rajgir P.S. Case No. 313 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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