

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19666 of 2020**

Arising Out of PS. Case No.-183 Year-2019 Thana- KOILWAR District- Bhojpur

RAVI PASWAN S/o Bachchan Paswan R/village-Matiyara, P.O-Kayam
Nagar, P.S.-Koilwar, District-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kalyan Shankar
For the Opposite Party/s : Mrs. Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 08-07-2020 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 application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within the said period,
the office will again place the matter on board.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is apprehending his arrest, has
preferred the present application for grant of anticipatory bail in



a case registered for the offences punishable under Sections 147, 148, 149, 323, 504 and 307 of the IPC, though, in paragraph no.1 of the petition Section 307 IPC is not mentioned.

The prosecution case, as per the fardbeyan of Suresh Bind, recorded by A.S.I., Ashok Kumar, on 30.05.2019 at 2.30 P.M., at Sadar Hospital, Ara is to the effect that on 27.05.2019, on the eve of the marriage of the daughter of the informant, the informant went to bamboo clump to bring bamboo, in the meantime, all the FIR named accused persons including the petitioner came variously armed when co-accused Tribhuwan Sao assaulted the informant with a Dab, causing injury on his head and right hand, whereas other co-accused persons were instigating him to kill the informant. It is specifically alleged that the petitioner snatched a gold chain from the neck of the informant. Such accusation against the petitioner has been made in the background of the fact that the petitioner had performed love marriage with the daughter of the informant and now he is demanding dowry and due to non-fulfillment of the same, torture was inflicted upon the informant.

It is submitted by learned counsel for the petitioner that the petitioner performed love marriage with the daughter of the informant which was not approved by the informant, as a



result, the petitioner has maliciously been roped in the present case. The accusation of assault is against co-accused Tribhuwan Sao and there is no specific accusation of assault against the petitioner. Moreover, for the alleged occurrence of 27.05.2019, the fardbeyan of the informant was recorded on 30.05.2019, whereas the FIR was lodged on 06.06.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the delayed recording of the fardbeyan of the informant and consequently delayed lodging of the FIR and the fact that there is no specific accusation of assault against the petitioner as well as the statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months on his arrest/surrender before the learned Court below within a period of three weeks, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Ara in connection with Koilwar P.S. Case No. 189 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 anticipatory 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 learned Chief Judicial Magistrate, Ara in connection with Koilwar P.S. Case No. 189 of 2019.

The learned Court below will 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 is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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