

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20464 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- AMDABAD District- Katihar

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1. RAJU TANTI Son of Sudin Tanti @ Sudhin Tanti Resident of Village - Raghunathpur, P.S.- Amadabad, District - Katihar.
 2. Amar Tanti Son of Sudin Tanti @ Sudhin Tanti Resident of Village - Raghunathpur, P.S.- Amadabad, District - Katihar.
 3. Sudin Tanti @ Sudhin Tanti Son of Late Sadhu Tanti Resident of Village - Raghunathpur, P.S.- Amadabad, District - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bajarangi Lal
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2020 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 petitioners undertake 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 petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Gautam Tanti submitted before the S.H.O., Amdabad Police Station is to the effect that on 16.01.2020, the informant was laying plinth for construction of a house, in the meantime, four accused persons, including the petitioners, came and started abusing and assaulting the informant with lathi and danda. It is specifically alleged that co-accused, Subhash Tanti assaulted on the head of the informant with iron rod, causing bleeding injury. When the mother of the informant, namely, Pramila Devi came to rescue, she was also assaulted by the accused persons and the accused persons are also alleged to have snatched a silver chain from her neck.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. There is a counter version of the occurrence also being Amdabad P.S. Case No. 22 of 2020, registered for the offences punishable under Sections 341, 323, 354, 504, 34 of the Indian



Penal Code by the petitioners' side against the informant and others. It is further submitted that only injury on the head of the informant was found grievous which is not alleged against the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

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

Considering the fact that the specific accusation of causing grievous injury is against co-accused, Subhash Tanti, the genesis of the occurrence being land dispute, there being a counter version of the occurrence also coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned CJM, Katihar, in connection with Amdabad P.S. Case No.21 of 2020, subject to the conditions as laid down under Section 438(2) of the 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 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 in connection with learned CJM, Katihar, in connection with Amdabad P.S. Case No.21 of 2020.

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