

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20671 of 2020

Arising Out of PS. Case No.-1087 Year-2019 Thana- NAWADA District- Nawada

Chandrika Chaudhary S/o Late Domi Chaudhary R/o village- Bhadauni (Near
Sita Ram Sahu College, Nawada), P.S.- Nawada Town, District- Nawada
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-09-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 341, 323,
504 and 302/34 of the Indian Penal Code.



The prosecution case, as per the fardbeyan of Kailash Kumar recorded by S.I., Dinkar Dayal, Nawada Town P.S. on 16.09.2019 at 10.15 A.M. at Sadar Hospital, Nawada, is to the effect that the grandfather of the informant, Babulal Choudhary on 15.09.2019 was taking out cow-dung cake off the wall, the accused persons, Chandrika Chaudhary, the petitioner and co-accused Pawan Chaudhary and wife of Chandrika Chaudhary started abusing and assaulting the grandfather of the informant with fists and slaps and bricks, as a result, the grandfather of the informant became unconscious, subsequently, the villagers came to rescue when the accused persons escaped from the scene. Thereafter, the victim was taken to Sadar Hospital from where he referred to Patna but on the way he died.

It is submitted by learned counsel for the petitioner that in the background of petty dispute, the accusation has been levelled against the petitioner. The postmortem report reflects no external injury except on dissection, it was found that the right chamber was full of clotted blood in the occipital region. The cause of death has been suggested due to intra cranial haematoma due to trauma caused by hard blunt object but the accusation is not corroborated by medical opinion. A statement



has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant and State submit that there is specific accusation against the petitioner to have made assault with fists and slaps and bricks.

Considering the fact that in postmortem report, no external injury has been found which substantially negates the accusation of assault by fists and slaps and bricks by three accused persons and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 1087 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.10,000/- (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 Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 1087 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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