

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20057 of 2020**

Arising Out of PS. Case No.-159 Year-2018 Thana- MAHUA District- Vaishali

VIJAY JHA @ VIJAY OJHA S/o Ram Ji Ojha Resident of Village- Kanhauli
Saidpur, P.S.- Mahua, Distt- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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

2 29-06-2020 The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defect/s.

Learned counsel for the petitioner undertakes to remove the defect/s within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defect/s within the undertaken period, the office will place the matter before the bench.

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

The petitioner has preferred the present application



for grant of bail in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Kundan Kumar Singh recorded on 01.07.2018 at 10.30 A.M. by Manoj Kumar, S.I., Mahua Police Station is to the effect that on 29.06.2018 at 4.14 P.M., the informant was talking with one Kameshwar Singh, In the meantime, the petitioner, Vijay Jha and co-accused, Guddu came and they asked the informant to come along with them and in the background of a land dispute, the petitioner and co-accused started abusing and assaulting the informant. In the meantime, other co-accused also came on the spot and on the order of other co-accused, the petitioner fired twice, causing injury on hand and abdomen of the informant.

It is submitted by learned counsel for the petitioner that admittedly in the background of land dispute, the accusation has been levelled against the petitioner. Moreover, the impugned order does not suggest the nature of injury caused to the informant. The petitioner is languishing in custody since 17.12.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in one



other case.

Learned APP for the State submits that the accusation of firing is against the petitioner.

Considering the fact that the impugned order does not suggest the nature of injury, the investigation has already been concluded and the genesis of the occurrence being land dispute, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 159 of 2018.

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 CJM, Vaishali at Hajipur, in connection with Mahua P.S. Case



No. 159 of 2018.

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 stands disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

