

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20444 of 2020

Arising Out of PS. Case No.-55 Year-2019 Thana- PAUTHU District- Aurangabad

MD. SULTAN KHAN @ SULTAN ALAM Son of Md. Ibrahim Khan
Resident of Village- Fesar P.S.- Pauthu, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in
physical mode 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, 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 302, 120(B), 504, 506, 34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Bano Khatoon, submitted to the S.H.O, Pauthu Police Station is to the effect that on 08.12.2019 at 11:00 A.M, the husband of the informant was being called by the Panchayat Mukhiya Ajmeri Khatoon to her yard where the husband of Panchayat Mukhiya, Md. Sultan Khan(petitioner), co-accused Ibrahim Khan, Israar Khan, Adil Khan and Ehsan Khan were present from before. It is further alleged that in the background of a dispute with regard to Nal-Jal Scheme, co-accused Israar Khan pushed down the husband of the informant on the ground and thereafter all the accused persons started assaulting the husband of the informant who subsequently succumbed to the injuries and when the informant reached at the spot, she found co-accused



Ehsan Khan in possession of a country made pistol who threatened to kill the family members of the informant.

It is submitted by learned counsel for the petitioner that the informant is not the eye witness to the alleged occurrence and accusation of assault by four persons is not being corroborated by the postmortem report as the postmortem report reflects no external injury though chest cavity of the heart has been found full of blood and the victim died probably due to stroke.

Learned A.P.P submits that the witnesses during investigation have suggested that in the background of dispute with regard to Jal-Nal scheme, the assault was made.

Considering the fact that accusation is absolutely being negated by the medical opinion and the doctor has not found even any resisting injury during postmortem on the dead body of the victim, 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-III, Aurangabad in connection with Pauthu P.S. Case No. 55 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-III, Aurangabad in connection



with Pauthu P.S. Case No. 55 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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