

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20191 of 2020

Arising Out of PS. Case No.-230 Year-2019 Thana- RAJPUR District- Buxar

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1. Dinesh Rajbhar Son of Heera Rajbhar Resident of Village - Jaitpura, P.S.-
Rajpur, Distt - Buxar.
 2. Sunil Rajbhar Son of Babu Lal Rajbhar Resident of Village - Jaitpura, P.S.-
Rajpur, Distt - Buxar.
 3. Bhuneshwar Rajbhar Son of Sigasan Rajbhar Resident of Village - Jaitpura,
P.S.- Rajpur, Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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 proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioners undertakes

to remove the defects within three weeks of the

resumption of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.



Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 354(B), 504, 56/34 of the Indian Penal Code.

The prosecution case as per the written report of Neelam Kumari, submitted to the S.H.O., Rajpur Police Station is to the effect that on 18.10.2019 at 5:00 P.M., the informant was going to her agricultural field, on the way, petitioner No. 1 caught hold of her hand with bad intention and tried to molest her. The informant thereafter conveyed about the incidence to her family members and when her parents and the brother went to enquire, it is alleged that all the eight accused persons including the petitioners assaulted to the parents and brother of the informant and snatched mobile phone and a gold chain from the informant.

It is submitted by learned counsel for the



petitioners that there is counter version of the occurrence being Rajpur P.S. Case No. 231 of 2019 registered under Sections 147, 149, 341, 323, 379, 504, 506 of the Indian Penal Code against the informant's side. It is further submitted that the injuries of the informant's side have been found simple in nature and the petitioners' side also have received injuries in the said occurrence. Moreover, four similarly situated co-accused persons have been granted bail by a Co-ordinate bench of this Court vide order dated 22.01.2020 passed in Cr. Misc. No. 85965 of 2019.

Learned A.P.P. submits that accusation is at least specific against petitioner No. 1.

Considering the nature of accusation, there being counter version of the occurrence, the fact that the petitioners are not having any criminal antecedent and co-accused persons have been granted bail by Co-ordinate bench of this Court, let the petitioners, above named, in the event of their 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, Buxar in connection with Rajpur P.S. Case No. 230 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional anticipatory bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate, III, Buxar in connection with
Rajpur P.S. Case No. 230 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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