

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20187 of 2020

Arising Out of PS. Case No.-147 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Manish Kumar Son of Nand Kishore Sah Resident of - Nala Road, New Colony, Balughat, Road No. -3, P.S.- Muzaffarpur Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Thakur

For the Opposite Party/s : Mr.Atul Chandra

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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 petitioner and



learned counsel for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 354, 34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Sona Kumari, submitted to the S.H.O., Muzaffarpur Town Police Station is to the effect that the informant works in a private company, situated at Zero Mile and while on her way to office, some boys used to eve-teasing her and when the informant conveyed about this to her brother and when her brother made protest, it is alleged against the petitioner that he along with other F.I.R named accused persons assaulted to the brother of the informant, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that accusation with regard eve-teasing of the informant is not specific against the petitioner and the accusation of making assault to the brother of the



informant is omnibus and general. Moreover, the brother of the informant has received simple injuries and similarly situated co-accused Sachin Kumar has been granted bail by a Co-ordinate bench of this Court vide order dated 03.03.2020 passed in Cr. Misc. No. 7438 of 2020.

Learned A.P.P. submits that petitioner is named in the F.I.R and he has assaulted the brother of the informant.

Considering the fact that accusation is omnibus and general against the accused persons including the petitioner, nature of injury received by the brother of the informant being simple one and similarly situated co-accused has been granted bail, 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 Chief Judicial Magistrate, Muzaffarpur in connection with



Muzaffarpur Town P.S. Case No. 147 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 Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 147 of 201 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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