

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20366 of 2020

Arising Out of PS. Case No.-124 Year-2018 Thana- GAMAHARIYA District- Madhepura

Surendra Sharma Son of Late Khushilal Sharma Resident of Village - Chikni
Khardh, P.S.- Gamhariya, Distt - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2020 The Court proceeding has been conducted
through virtual mode.

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 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 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 offences punishable under Sections 341, 323, 324, 325, 307, 354, 504, 506, 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1989.

The prosecution case as per the fardbeyan of Kiran Devi recorded by Rajesh Kumar, S.I-cum-S.H.O of Gamhari Police Station on 13.07.2018 at 7:00 P.M. in Primary Health Centre, Gamharia is to the effect that on 09.07.2018 in the night, the informant was sleeping when co-accused Shyam Sharma @ Wakil Sharma entered into the house of the informant and molested her and on alarm being raised, he fled away. Subsequently, on 11.07.2018, a panchayati was conducted wherein the informant assaulted the co-accused by slippers. Shyam Sharma @ Wakil Sharma made threatening. It is alleged that on 13.07.2018 when the informant's husband Raj Kishore Sharma was taking rest in his house, in the meantime, all the F.I.R named



accused persons including the petitioner and two unknown persons variously armed came and started assaulting the husband of the informant. It is alleged that co-accused Kundan Sharma, Shyam Sharma, Nandan Kumar and Pankaj Kumar resorted to fire, causing injury on the right thigh of the husband of the informant.

It is submitted by learned counsel for the petitioner that accusation is omnibus and general against the petitioner and other co-accused persons, in the background of earlier land dispute, for which Title Suit No. 302 of 2018 is pending and similarly situated co-accused Sanjay Sharma and Anil Sharma have been granted bail by Co-ordinate benches of this Court vide orders dated 05.04.2019 and 30.07.2019 respectively passed in Cr. Misc. No. 21534 of 2019 and Cr. Misc. No. 46973 of 2019 respectively. It is further submitted that specific accusation of resorting fire is against co-accused Kundan Sharma, Shyam Sharma, Nandan Kumar and



Pankaj Kumar. There is no recovery from the petitioner.

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

Learned A.P.P. submits that petitioner is named in the F.I.R.

Considering the genesis of accusation and the fact that accusation of firing is not being levelled against the petitioner and four other similarly situated accused persons have been granted bail by Co-ordinate benches of this Court coupled with the fact that the petitioner is not having any criminal antecedent, 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, Madhepura in connection with Gamhariya P.S. Case No. 124 of 2018, 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, Madhepura in connection with Gamhariya P.S. Case No. 124 of 2018 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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