

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18065 of 2020

Arising Out of PS. Case No.-237 Year-2019 Thana- PAROO District- Muzaffarpur

1. BIRENDRA RAI @ BIRENDRA KUMAR Son of Late Asarafi Ray
Resident of Village - Jagdishpur Baya, P.S.- Paroo, District - Muzaffarpur
2. Phulindra Kumar @ Phalindra Rai Son of Late Asarafi Ray Resident of
Village - Jagdishpur Baya, P.S.- Paroo, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioners undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioners and the
State.



The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 341, 323, 324, 379, 504 and 506 of the IPC.

The prosecution case, as per the written report of Ram Sagar Rai, submitted to the S.H.O., Paroo Police Station is to the effect that the marriage of the informant's daughter was fixed and on 08.06.2019, in the evening, during marriage procession, when the bridegroom and other guests from the bridegroom side were going on the door of the informant, all the FIR named accused persons including the petitioners tried to snatch bag containing jewellery and cash amount of Rs.10,000/- of the bride and on protest being made, the accused persons assaulted the informant's side. It is alleged that the all the accused persons including the petitioners were armed with dagger.

Learned counsel for the petitioner submits that for the alleged occurrence of 08.06.2019 in the evening, the FIR was lodged on 09.06.2019 at 9.30 A.M. The injury of the injured person has been found grievous, but the same has been found caused by hard and blunt substance. The accusation against the petitioners are omnibus and general. A statement has been made in paragraph no.3 of the petition that the petitioners are not



having any criminal antecedent.

Learned APP for the State submits that the petitioners are named in the FIR with specific accusation.

Considering the nature of accusation being omnibus and general and the fact that the petitioners are alleged to have assaulted the informant's side with dagger, but the injury of the injured person has been found caused by hard and blunt substance, coupled with statement made in paragraph no.3 of the petition to the effect that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned court below within a period of six weeks, on furnishing one surety to the satisfaction of the learned A.C.J.M.-III, West Muzaffarpur, in connection with Paroo P.S. Case No. 237 of 2019, subject to the condition as laid down Under Section 438 of the 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 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.10000/- (ten thousand) each with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned A.C.J.M.-III, West Muzaffarpur, in connection with Paroo P.S. Case No. 237 of 2019.

The learned Court below will be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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