

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18124 of 2020

Arising Out of PS. Case No.-471 Year-2018 Thana- BIHPUR District- Bhagalpur

1. MAHENDRA PODDAR Son of Late Narayan Poddar Resident of Village-
Milki, P.S.- Bihpur, District- Bhagalpur.
2. Ravi Poddar @ Ravi Kumar Son of Mahendra Poddar Resident of Village-
Milki, P.S.- Bihpur, District- Bhagalpur.
3. Sikander Poddar @ Karka Son of Mahendra Poddar Resident of Village-
Milki, P.S.- Bihpur, District- Bhagalpur.
4. Jitendra Poddar @ Jitendra Kumar Poddar Son of Mahendra Poddar
Resident of Village- Milki, P.S.- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-06-2020 The matter has been taken up through virtual Court
proceeding.

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

The petitioners have preferred the present application
with a prayer for grant of bail in a case registered for the
offences punishable under Sections 341, 323, 308, 379, 504,
506/34 of the Indian Penal Code.

The prosecution case as per the written report of
Sunita Devi submitted before the S.H.O., Bihpur Police



Station is to the effect that on 10.12.2018 at 10.00 A.M., petitioner no.1, Mahendra Poddar came and made protest for not giving groceries articles on credit to his son and when the husband of the informant conveyed that in the morning hours, he did not want to give articles on credit, then petitioner no.1 assaulted with a khanti on the head of the daughter of the informant, Lakshmi, causing bleeding injury. It is alleged that when the husband of the informant, Dilip Poddar came to rescue, he was also assaulted by petitioner no.1, Mahendra Poddar and petitioner no.2, Ravi Poddar, causing injury on his nose, mouth and hands. It is further alleged that petitioner no.3, Sikandar Poddar took out Rs.9000/- cash from the cash box of the shop of the informant and started fleeing away, when the son of the informant Dipak Poddar chased him, petitioner no.4, Jitendra Poddar, co-accused, Rina Devi, Khushbu Devi and Phulo Devi robbed off the articles from the shop of the informant.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 10.12.2018 at 10.00 A.M., the FIR was lodged on 11.12.2018 at 04.25 P.M. with frivolous accusation. In fact, for the said occurrence, the petitioner no.3 has lodged Bihpur P.S. Case No. 470 of 2018 on 11.12.2018 at



4.05 P.M. levelling accusation under Sections 147, 148, 341, 323, 307, 379, 504, 506 of the Indian Penal Code against the informant's side. The informant's daughter injury has been found superficial simple in nature and no injury report of the husband of the informant, Dilip Poddar is on record to corroborate the accusation of assault whereas from the petitioners' side, petitioner no.3, Sikandar Poddar and petitioner no.2, Ravi Poddar have also received injury in the said occurrence. The injury of petitioner no.2 has been found grievous.

Learned APP for the State submits that accusation is specific against the petitioners.

Considering the delayed lodging of the case, counter case being lodged by the petitioners' side at earlier point of time, the accusation not being corroborated by the medical opinion, the fact that the petitioners' side have also received grievous injury coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months, on arrest or surrender before the learned Court below within a period of four weeks, on furnishing one surety



to the satisfaction of the learned SDJM, Naugachia, in connection with Bihpur P.S. Case No.471 of 2018.

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 bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned SDJM, Naugachia, in connection with Bihpur P.S. Case No.471 of 2018.

The learned Court below will further 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.

The matter has been listed with defect/s since due to the present pandemic, Covid-19, the stamp reporting is not being done. However, learned counsel for the petitioners



undertakes to remove the defect/s, within a period of three weeks of resumption of the court proceeding in physical mode. In case, non-removal of defect/s, the office will place the file again before the Court.

(Dinesh Kumar Singh, J)

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