

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20552 of 2020

Arising Out of PS. Case No.-250 Year-2019 Thana- NASRIGANJ District- Rohtas

ARUN KUMAR, Son of Pramanand Singh, Resident of Village - Lala Atimi,
P.S.- Nasariganj, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Adv.

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2020 The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioners undertakes to remove the defects, within a period of three weeks of resumption of the court proceeding in physical mode.

In case, non-removal of defect/s within undertaken period, the office will place the matter again before the bench.

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

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 341, 323, 325, 308, 324, 504, 506, 34 of the Indian Penal Code, 1860.



The prosecution case as per the written report of Anil Kumar Singh submitted before the S.H.O., Nasriganj Police Station is to the effect that on 21.12.2019 at 9.00 A.M. while the informant was ploughing his agricultural field, his neighbour, co-accused, Parmanand Singh started abusing him. When the informant made protest, co-accused, Parmanand Singh assaulted with an iron rod causing fracture injury on the left leg and shoulder of the informant. When the brothers of the informant, namely, Ashok Singh and Manoj Singh came to rescue, then the petitioner, Arun Kumar and co-accused, Barun Kumar assaulted on their head with iron rods. In the meantime, co-accused, Vikash Kumar and Bikrant Kumar came and they also assaulted the brother of the informant, Manoj Kumar.

It is submitted by learned counsel for the petitioner that specific accusation of assaulting the informant is against co-accused, Parmanand Singh whereas accusation against the petitioner and co-accused, Barun Kumar is that they assaulted the brothers of the informant, namely, Ashok Singh and Manoj Singh with iron rod, but the injuries of Ashok Singh and Manoj Singh have been found simple in nature, though they have received one grievous injury, but it is on the non-vital part of their body. There is a counter version of the occurrence also,



being Nasriganj P.S. Case No. 249 of 2019. The petitioner is languishing in custody since 22.12.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that there is specific accusation of assault against the petitioner.

Considering the fact that one injury alleged to have been caused by this petitioner has been found grievous, but it is on non-vital part, there being a counter version of the occurrence, the investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is 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 furnishing one surety to the satisfaction of the learned ACJM, Bikramganj (Rohtas), Sasaram, in connection with Nasriganj P.S. Case No. 250 of 2019.

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 ACJM, Bikramganj (Rohtas), Sasaram, in connection with Nasriganj P.S. Case No. 250 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further 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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