

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20714 of 2020

Arising Out of PS. Case No.-1131 Year-2019 Thana- BIHTA District- Patna

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BHOLA SINGH Son of Late Dharmdeo Singh Resident of Village - Sarasat,
P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr/ Rama Kant Sharma

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

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 04-09-2020 Heard Mr. Rama Kant Sharma, learned Senior
counsel appearing for the petitioner as well as Mr. Ram Priya
Sharan Singh, learned Incharge Additional Public Prosecutor for
the State through video conferencing.

The office has pointed out two defects, first, the
deponent's name and signature differs with each other and
second, Annexure 2 is incomplete, as the name of injured does
not appear on Annexure 2.

However, learned counsel appearing for petitioner
submits that the aforesaid defects are liable to be ignored. He
submits that Annexure 2 goes to show that injured sustained
grievous injury and he was referred to High Tech Emergency
Hospital by the doctor, who first treated him and the impugned
order also corroborates this fact that the injured sustained



grievous injury.

In view of the aforesaid submission as well as taking note of present situation of pandemic, the defects, as pointed out by the office, be ignored.

Petitioner seeks bail in connection with Bihta P.S. Case No. 1131 of 2019 registered for the offences punishable under Sections 147, 148, 341, 323, 324 and 307 of the Indian Penal Code.

Learned counsel appearing for petitioner submits that the petitioner is an old person aged about 65 years and no specific overt act has been attributed in the written report of the informant. He, further, submits that the impugned order as well as written report of the informant go to show that, altogether, ten persons participated in the alleged crime and no specific overt act has been attributed against any of the persons. He, further, submits that Annexure 2, a photostat copy of the injury report, reveals that the injured sustained superficial injuries but in spite of that, the concerned doctor opined that the injuries were grievous in nature.

On the other hand, learned Additional Public Prosecutor opposed the bail, drawing my attention towards the impugned order and submitted that the injured, specifically,



stated that petitioner and other accused assaulted him by knife.

Petitioner is in jail custody since 5.1.2020 and the written report does not show any specific allegation against the petitioner rather it is claimed in the written report that the petitioner and ten others assaulted the injured by means of knife.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Danapur, in connection with Bihta P.S. Case No. 1131/2019.

(Hemant Kumar Srivastava, J)

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