

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20294 of 2020

Arising Out of PS. Case No.-343 Year-2017 Thana- SONEPUR District- Saran

1. Bahadur Rai Son of Late Sita Rai Resident of Village - Sabalpur Chaharam, P.S.- Sonpur, District - Saran (Chapra).
2. Shambhu Rai Son of Bahadur Rai Resident of Village - Sabalpur Chaharam, P.S.- Sonpur, District - Saran (Chapra).
3. Sajan Rai Son of Ram Naresh Rai Resident of Village - Sabalpur Chaharam, P.S.- Sonpur, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2020 The matter has been taken up through

virtual Court proceeding.

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 petitioners

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 the undertaken period, the office shall place



the matter before the bench.

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

The petitioners are languishing in custody
since 18.12.2019 in a case registered for the offence
punishable under Sections 302/34 of the Indian
Penal Code.

The prosecution case as per the written
report of Manoj Rai, submitted to the S.H.O,
Sonapur Police Station is to the effect that on
27.08.2017 at 8:00 A.M, when the informant and
his son were returning from their agricultural field
after attending call of nature, on the way, co-
accused Sakindra Rai @ Cycle Rai and Murari Rai
caught hold of son of the informant Raj Kapoor Rai
and asked him to load the articles used for making
liquor on their boat and on refusing to do so, they
started assaulting the son of the informant and
subsequently all the F.I.R named accused persons



including the petitioners armed with lathi and farsa came and assaulted the son of the informant who subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioners that accusation of assault is against fifteen F.I.R named accused persons and thrust of accusation is against Sakindra Rai @ Cycle Rai and Murari Rai. The accusation of assault is not corroborated by the postmortem report as postmortem report suggests only two major injuries on the body of the victim and the investigation has already been concluded. Statement has been made in para 3 of the petition that petitioners are not having any criminal antecedent.

Learned A.P.P. submits that accusation of assault has been levelled against fifteen F.I.R named accused persons including the petitioners.

Considering the fact that omnibus and general accusation has been made against fifteen



accused persons and thrust of accusation is against Sakindra Rai @ Cycle Rai and Murari Rai and the investigation has already been concluded, coupled with the fact that petitioners are not having any criminal antecedent, let the petitioners, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Chapra, Saran in connection with Sonpur P.S. Case No. 343 of 2017.

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 to the learned Court concerned through e-Mode.



The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Chapra, Saran in connection with Sonpur P.S. Case No. 343 of 2017 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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