

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20281 of 2020**

Arising Out of PS. Case No.-16 Year-2020 Thana- MAHARAJGANJ District- Siwan

NIDDU KUMAR PRASAD Son of Subash Prasad @ Subhash Prasad
Resident of Village- Mahuari, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

**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 is not functional, due to present pandemic Covid-19, the present application has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of functioning of the court in physical mode.

If the defects are not removed within undertaken period, the office will again place the matter on board.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 19.01.2020, has preferred the present application for grant of



bail in a case registered for the offences punishable under Sections 341, 323, 324, 307, 452, 379 and 504/34 of the IPC.

The prosecution case, as per the fardbeyan of Anandi Prasad Singh, recorded by A.S.I., Pramod Kumar, on 18.01.2020 at 9.30 P.M., at P.H.C., Maharajganj is to the effect that on the same day at 8 A.M., the informant was near his door when his neighbours co-accused, Soniya Devi, Bhola Driver came and started dumping the garbage on the land of the informant and on protest being made, co-accused Soniya Devi went in to her house and brought a sword and made assault on the head of the informant, on alarm being raised, when the father and mother of the informant came to rescue him then the brother of co-accused, Soniya Devi, namely, Niddu Kumar Prasad, the petitioner and co-accused Yaswant Kumar Prasad and Arjun Prasad came armed with sword and farsa and the petitioner assaulted the father of the informant with sword on his head.

It is submitted by learned counsel for the petitioner that in the background of petty dispute, the accusation has been levigelled against the petitioner. Injury of the father of the informant has been found superficial simple in nature. 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.

It is submitted by learned counsel for the petitioner that the petitioner is named in the FIR with specific accusation.

Considering the fact that there is no accusation of repeating blow against the petitioner, the investigation has already been concluded, period under custody and the 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 Chief Judicial Magistrate, Siwan in connection with Maharajganj P.S. Case No. 16 of 2020.

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 learned Chief
Judicial Magistrate, Siwan in connection with Maharajganj P.S.
Case No. 16 of 2020.

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 is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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