

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19513 of 2020

Arising Out of PS. Case No.-221 Year-2015 Thana- HAJIPUR SADAR District- Vaishali

1. AJIT KUMAR SINGH Son of Haridwar Singh R/o Village- Daulatpur Chandi, P.S.- Hajipur Sadar, District- Vaishali.
2. Haridwar Singh Son of Late Ram Kailash Singh R/o Village- Daulatpur Chandi, P.S.- Hajipur Sadar, District- Vaishali.
3. Raj Kumar Singh Son of Haridwar Singh R/o Village- Daulatpur Chandi, P.S.- Hajipur Sadar, District- Vaishali.
4. Sujit Kumar Singh Son of Haridwar Singh R/o Village- Daulatpur Chandi, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-06-2020 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, the office will place the matter again before the Court.

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

Since initially it is submitted that petitioner no.2, Haridwar Singh and petitioner no.4, Sujit Kumar Singh have been arrested, hence, this application, so far as it relates to petitioner nos.2 and 4 stands dismissed, as having become infructuous.

Petitioner nos. 1 and 3 have preferred the present application with a prayer for grant of bail in a case registered for the offences punishable under Sections 341, 323, 504, 447, 308/34 of the Indian Penal Code.

The prosecution case as per the written report of Binod Kumar Singh submitted before the Hajipur Sadar Police Station is to the effect that on 15.05.2015 at 9.30 A.M., the informant went to his purchased land and found that accused persons are fencing his land. On protest being made, it is alleged that the petitioners caught hold of the informant when petitioner no.2, Haridwar Singh started pressing the neck of the informant, causing injury on his neck whereas petitioner



no.1, Ajit Kumar Singh assaulted him with bricks causing injury on the right hand of the informant. Petitioner no.3, Raj Kumar Singh assaulted with lathi on the chest, as a result the informant fell down and thereafter petitioner no.4, Sujit Kumar Singh snatched a gold chain from the neck of the informant worth Rs.60,000/- and petitioner no.2, Haridwar Kumar took away Rs.8500/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled against the petitioners. The injury report of the informant suggests that altogether three injuries have been caused to the informant, out of three, one is a bruise, second one is; abrasion and third one; is swelling of marginal size. It is further submitted that out of three injuries, injury nos. 1 and 2 have been found simple in nature whereas opinion with regard to injury no.3 has been kept reserved. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

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

Considering the genesis of the occurrence being land dispute, injury being found superficial, simple in nature



coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let petitioners Nos. 1 and 3 above named be released on anticipatory 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 learned Judicial Magistrate, 1st Class, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 221 of 2015.

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 Judicial Magistrate, 1st Class, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 221 of 2015.



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.

(Dinesh Kumar Singh, J)

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