

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21070 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- SANGRAMPUR District- Munger

Aditya Ranjan @ Aditya Tiwari @ Golu Son of Dilip Tiwari @ Dilip Kumar
Tiwari @ Munna Tiwari Resident of Village - Sangrampur, P.S.- sangrampur,
Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-08-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is apprehending arrest in a case



registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case, as per the written report of Informant Om Prakash Tiwary submitted to the Station House Officer, Sangrampur Police Station, is to the effect that on 02.01.2020 at 4.00 P.M., in the background of land dispute Dilip Tiwary @ Munna Tiwary and the petitioner, Aditya Tiwary @ Golu being armed with lathi and iron rod started abusing the Informant. In the meantime, the informant's brother Jai Prakash Tiwary came out, thereafter, the accused persons indiscriminately assaulted him. It is alleged that the petitioner assaulted with iron rod on the left shoulder of the brother of the informant causing fracture injury. Thereafter, Sunita Devi gave garasa to co-accused Dilip Tiwary, who assaulted with garasa on the head of the informant causing injury to him. Thereafter, the accused persons assaulted to Babita Devi, the wife of the informant when she came to rescue the informant and her gold chain was snatched.

It has been submitted by learned counsel for the petitioner that the informant, Om Prakash Tiwary is the own uncle of the petitioner and in the background of land dispute, the accusation has been levelled. There is no accusation of repeating



the blow and the doctor has found two injuries, one swelling and tenderness on the left shoulder and the other lacerated wound on the right foot. The injury no. 1 has been found to be grievous. Moreover, there is a counter version of the occurrence also being Sangrampur P.S. Case No. 02 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 379, 448, 504 and 506 of the Indian Penal Code lodged by Dilip Tiwari, the father of the petitioner against the informant's side.

Learned APP submits that the accusation is specific against the petitioner and he has caused one grievous injury.

Considering the accusation being levelled in the background of land dispute, there is no accusation of repeating the blow by the petitioner and the conventional weapon being used, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing one surety to the satisfaction of the learned Sub-divisional Judicial Magistrate, Munger in connection with Sangrampur P.S Case No. 01 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 anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (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 Sub-divisional Judicial Magistrate, Munger in connection with Sangrampur P.S. Case No. 01 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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