

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19930 of 2020

Arising Out of PS. Case No.-778 Year-2019 Thana- KUDHNI District- Muzaffarpur

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DIVYANSHU Son of Baidhnath Pd. Singh Resident of Village- Kamtaul,
P.S.- Kudhani, District- Muzaffarpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-08-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding 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 two weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 342, 323, 324, 307, 427,
379, 504 & 506/34 of the Indian Penal Code.

As per the prosecution case, while the driver of the
informant, namely, Madhu Kumar was returning to the house of
the informant with JCB, on the way, the petitioner along with
Sonu Kumar wanted to overtook their motorcycle and



demanded a pass from Madhu Kumar but he expressed his inability as there was no space. Upon which both the accused persons assaulted the driver of the informant and got him injured and after making a call on mobile their other aides almost 8-10 in numbers reached there. All the accused persons repeatedly assaulted on the head of Madhu Kumar by the butt of the pistol and profuse bleeding started. The glass of the JCB was also broken and damaged. Any how the driver could survive and arrived near the informant and narrated the entire occurrence. It is further alleged that after 30 minutes all the accused persons appeared at Balaur Hat before the informant and when he made an enquiry from them regarding the assault of his driver, the informant was also assaulted by all the accused persons by means of lathi and danda. The informant was assaulted by lathi on his head by the co-accused Sonu Kumar. One Nikhil Kumar and the petitioner snatched Rs.5000/- from the pocket of the informant. They also demanded Rs.10,000/- from the informant otherwise threatened him of dire consequences.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather



general and omnibus in nature. As a matter of fact, on the date of occurrence, the petitioner and Sonu were returning by a motorcycle and at about 6 PM on way the driver of the JCB dashed JCB with the motorcycle and there was hot exchange of words leading to an altercation and a panchayati was arranged in this matter but neither the driver nor the informant were ready for the panchayati and, ultimately, the informant has filed this false and frivolous case against the petitioner and others. It is also submitted that the chargesheet has been submitted under the bailable sections. The petitioner has no criminal antecedent and has been languishing in custody since 02.05.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III-cum-Sub Judge (West), Muzaffarpur in connection with Kudhani P.S. Case No.778 of 2019.

(Anjani Kumar Sharan, J)

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