

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1333 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- BIHPUR District- Bhagalpur

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BAL KRISHNA CHOUDHARY Son of Sachidanand Choudhary Resident of
Village - Babhangama, P.S.- Bihpur, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Viveka Nand Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
appeal has been listed with defects.

Learned counsel for the appellant undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the appellant and the State.

The present appeal has been preferred against the
order dated 25.04.2020, passed by learned Additional District



and Sessions Judge-III-cum-Special Judge [SC/ST (PoA) Act], Bhagalpur in Bihpur P.S. Case No. 48 of 2020, whereby the prayer for bail of the appellant has been rejected.

The appellant is languishing in custody since 11.04.2020, in a case registered for the offences punishable under Sections 341, 323, 332, 333, 307, 353, 427, 448, 504 and 506 of the IPC and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, as per the written report of Ratan Lal, Circle Officer, Bihpur Block, submitted to the S.H.O., Bihpur is to the effect that on 08.02.2020 at about 11 A.M., the informant was in his office when three FIR named accused persons including the appellant came and asked the informant for staying the order passed in measurement case and when the informant refused to do so since the title suit was pending with regard to the same, all the accused persons including the appellant started abusing the informant by calling his caste name. It is alleged against co-accused Amit Anand that he caught hold of the collar of the shirt of the informant, pushed him and also assaulted him, as a result, the informant got unconscious.

Learned counsel for the appellant submits that no



overt act has been alleged against the appellant. The accusation against the appellant is omnibus and general. The injury of the informant has been found superficial simple in nature. Moreover, the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the appellant is not having any criminal antecedent.

Learned counsel for the State submits that the appellant is named in the FIR with specific accusation.

Considering the fact that the investigation has already been concluded, the accusation against the appellant is omnibus and general and the informant has received superficial injury simple in nature, coupled with statement made in paragraph no.3 of the petition to the effect that the appellant is not having any criminal antecedent, the order dated 25.04.2020 passed by learned Additional District and Sessions Judge-III-cum Special Judge (SC/ST Act), Bhagalpur in Bihpur P.S. Case No. 48 of 2020 is hereby quashed and the appellant is directed to be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional District and Sessions Judge-III-cum Special Judge (SC/ST Act), Bhagalpur, in connection with Bihpur P.S. Case No. 48 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 appellant which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant 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 Additional District and Sessions Judge-III-cum Special Judge (SC/ST Act), Bhagalpur, in connection with Bihpur P.S. Case No. 48 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.

The learned court below will be at liberty to cancel the bail bonds of the appellant if he defaults for three



consecutive occasions during trial.

Accordingly, the present appeal is allowed and disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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