

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1335 of 2020

Arising Out of PS. Case No.-514 Year-2019 Thana- CHAPRA TOWN District- Saran

BRAJESH SINGH Son of Kameshwar Singh Resident of Village - Nayka
Tola, Rauza Pokhra (Bara Telpa), P.S.- Chapra Town, District - Saran at
Chapra

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Binod Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-09-2020 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 week 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 Mr. Usha
Kumari No. 1, learned Spl. P.P. for the State.

The present appeal has been preferred against the



order dated 18.02.2020, passed by learned Additional District and Sessions Judge, 1st-cum-special Judge, SC/ST, Saran at Chapra in Chapra Town P.S. Case No. 514 of 2019, whereby the prayer for bail of the appellant has been rejected.

The appellant is languishing in custody since 24.01.2020, in a case registered for the offences punishable under Sections 447, 448, 149, 323, 324, 307, 302 and 436 of the IPC and Sections 3(i)(r) and 2(iv)(v) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case, as per the fardbeyan of Rabindra Manjhi, recorded by A.S.I., Deo Sah on 07.09.2019 at about 3.30 P.M. at Sadar Hospital, Chapra is to the effect that on the same day at about 9 A.M., all the FIR named accused persons including the appellant, armed with lathi, danda and iron rod, came to the house of the informant and brutally assaulted the family members of the informant. Subsequently, the brother of the informant, Kashi Nath Manjhi succumbed to the injuries.

Learned counsel for the appellant submits that accusation of assault is omnibus and general against all the accused persons including the appellant. The accusation has been levelled in the background of land dispute as Title Suit No.



784 of 2018 is pending between the parties. It is further submitted that similarly situated co-accused Ranjit Ray has been granted bail by a Co-ordinate bench of this Court, vide order dated 01.06.2020, passed in Cr. APP (SJ) No. 1290 of 2020. A statement has been made in paragraph no.3 of the petition that the appellant is accused in two other cases, out of which, in one case, he is on bail. Moreover, the investigation has already been concluded.

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

Considering the fact that accusation against the appellant is omnibus and general, the accusation has been levelled in the background of land dispute, the investigation has already been concluded and similarly situated co-accused has been granted bail by a Co-ordinate bench of this Court, the order dated order dated 18.02.2020, passed by learned Additional District and Sessions Judge, 1st-cum-special Judge, SC/ST, Saran at Chapra in Chapra Town P.S. Case No. 514 of 2019 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, 1st-cum-special Judge,



SC/ST, Saran at Chapra, in connection with Chapra Town P.S.
Case No. 514 of 2019.

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, 1st-cum-special Judge, SC/ST, Saran at Chapra, in connection with Chapra Town P.S.
Case No. 514 of 2019.

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 appeal is allowed and
disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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