

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21126 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- BACHHWARA District- Begusarai

Bhola Prasad Chaudhary Son of Late Ramkrishna Chaudhary Resident of
Village- Fatheha, P.S.- Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2020 The matter has been taken up through virtual

Court proceeding.

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects, the
office shall place the matter before the bench.

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



The petitioner is languishing in custody since 21.05.2020 in a case registered for the offence punishable under Sections 147, 323, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Aditya Nandan recorded on 22.04.2020 at 2:00 P.M by A.S.I, Sushil Kumar Pandey is to the effect that on 12.04.2020 at 3:00 P.M., the petitioner being uncle of the informant called the informant on his mobile phone and asked him to come to his agricultural field and when the informant went there, it is alleged that the petitioner and 12-13 unknown persons assaulted the informant by lathi and the petitioner resorted to fire upon the informant causing injury on his leg and snatched away his mobile phone. It is further alleged that the brother and father of the informant were also assaulted by the accused persons.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 12.04.2020,



the fardbeyan of the petitioner was recorded on 22.04.2020 and the injury report suggests inconsistent opinion with regard to the injury received by the informant. It is further submitted that though the petitioner was taken by the police to Primary Health Centre, Bachwara but he got himself treated in Camp Alexia Hospital, a private hospital.

A statement has been made in para 3 of the petition that petitioner is having no criminal antecedent.

Learned A.P.P. submits that accusation is specific against the petitioner.

Considering the inordinate delay in registration of the fardbeyan recorded, the fact that there is no accusation of repeating the blow against the petitioner and the petitioner is not having any criminal antecedent, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with



Bachwara P.S. Case No. 77 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 bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with Bachwara P.S. Case No. 77 of 2020 including one surety given at the time of provisional bail.

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



Accordingly, the present application stands
disposed of.

(Dinesh Kumar Singh, J)

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