

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21884 of 2020

Arising Out of P.S. Case No.92 Year-2019 Thana-Gaunaha District-West Champaran

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1. Izaharul Dewan @ Ijaharul Devan aged about 60 years (M) son of late Muslim Dewan.
 2. Sarfullah Dewan aged about 28 years (M) son of Izaharul Dewan
 3. Afarul Dewan aged about 25 years (M) son of Ibrahim Dewan
 4. Maimul Dewan @ Maimullah aged about 30 years (M) son of Izaharul Dewan
 5. Saddam Dewan aged about 25 years (M) son of Izaharul Dewan
- All are residents of village- Amolwa Tishan, Police Station- Gaunaha, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners	:	Mr. Sachida Nand Rai, Advocate
		Mr. Brij Kishore Mishra, Advocate
For the Opposite Party	:	Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 22-07-2020 Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of



the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

Heard Mr. Braj Kishore Mishra, learned counsel for the petitioners and Mr. Shantanu Kumar, learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Gaunaha P.S. Case No. 92 of 2019 registered for the offences punishable under Sections 447, 341, 323, 307 and 504/34 of the Indian Penal Code.

It is contended by learned counsel for the petitioners that the petitioner nos. 2 to 5 have no criminal antecedent while the petitioner no.1 is having one case pending against him in which cognizance has been taken on a complaint. It is further contended that the petitioners are next door neighbours and a minor scuffle took place in which the injured persons sustained simple injuries. A complaint case has also been instituted by one Samima Khatoon @ Sabina Khatoon vide complaint case no. 1608C of 2019 in the court of Chief Judicial Magistrate, Bettiah, West Champaran for the offence which took place on 28.08.2019.



Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioners.

Considering the nature of allegation, the submissions made above specially the injury report annexed as Annexure-2 series to this application as also the fact that the petitioners have got roots in the society, in the event of their arrest or surrender, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 92 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since, there is a State wide lockdown, the Court has considered it appropriate to adopt the following procedure for communication of the present order :-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which



shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

(iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be sent to Braj Kishore Mishra, learned counsel for the petitioners also on his email.

(v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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