

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21702 of 2020

Arising Out of P.S. Case No.-96 Year-2019 Thana-Muffasil District-Samastipur

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Ram Briksha Pandit @ Ram Brikch Pandit, son of Late Mishri Pandit,
resident of Village Garuara, P.S. Samastipur (Muffasil), District Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad
For the Opposite Party : Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-08-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Samastipur (Muffasil) P.S. Case No. 96 of 2019, disclosing the offence punishable under Sections 308, 323/34, 341, 504, 447, 379 of the Indian Penal Code.

There are ten persons named in the FIR. In respect of an occurrence said to have taken place on 21.02.2019, the FIR was registered on 28.02.2019 with the allegation that all the named accused persons including female members entered into the informant's house and started abusing his father. When it was objected to, the informant's father was assaulted and when the informant intervened, he too was assaulted. The petitioner is



said to have inflicted injury with iron rod in the informant's head. There is allegation against others of having assaulted the family members of the informant and snatching of jewellery and other household articles.

It is the case of the petitioner that there is no explanation for delay of eight days in lodging of the FIR. He has submitted that though the civil court is nearby the police station, forwarding of the FIR on 06.03.2019 also casts doubt on the case of the prosecution, which is apparently an afterthought. In any view of the matter, according to the petitioner, the injury has been found to be simple in nature. It has been stated in the application that both sides are next door neighbours and some altercation over a petty dispute had resulted into scuffle between them in which both the sides sustained minor superficial injury.

Considering the nature of allegation and delay in lodging of the FIR, in my opinion, a case for grant of anticipatory bail is made out. This application is accordingly allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the



satisfaction of learned Additional Chief Judicial Magistrate, Samastipur in Muffasil P.S. Case No. 96 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.

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

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today 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 communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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