

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22327 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

Boka Sada @ Bouka Sada S/o- Jagdeo Sada R/o- Sirsa Chowk, P.S.- Muffasil,
District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2020 The Court proceeding has been conducted through
virtual mode.

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

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
13.02.2020 in a case registered for the offences punishable
under Sections 341, 323, 324, 307, 448, 504 and 506/34 of the



Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Lalita Devi submitted to the Station House Officer, Katihar Muffasil P.S., is to the effect that on 13.03.2019 at 7.00 P.M., five accused persons armed with Belcha and knife entered into the house of the informant. It is alleged that the petitioner dragged the informant by catching hold of her hair and assaulted on the head of the informant with Belcha causing injury. When the daughter of the informant, Ruban Kumari came to rescue her, she was assaulted also by the petitioner with knife causing injury on her right finger.

It is submitted by learned counsel for the petitioner that the injury has been found simple in nature, statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That it is stated here that from the bare perusal of the medical report it appears that all the injuries of the injured persons are found simple in nature but from the impugned order it appears that it is wrongly typed the injury of the daughter of the informant is found grievous in nature which is also simple.”

It is further submitted that in the background of previous dispute, the accusation has been levelled and the



informant has retracted from the initial version and petition to that effect has been filed before the learned Court below. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits accusation of assault is specific against the petitioner.

Considering the nature of accusation, the retracted version of the informant, the fact that investigation has already been concluded and statement being made in paragraph no.3 of the petition that 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 the learned Chief Judicial Magistrate, Katihar in connection with Katihar Muffasil P.S. Case No. 69 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 upon 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.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 the learned Chief Judicial Magistrate, Katihar in connection with Katihar Muffasil P.S. Case No. 69 of 2019.

The learned Court below is 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 application stands disposed of.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

