

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21752 of 2020

Arising Out of P.S. Case No.-52 Year-2016 Thana-Piyar District-Muzaffarpur

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Jitendra Kumar, son of Shri Ramesh Rai, resident of village MUnni Baingari,
P.S. Piyar (Hatha O.P.), District Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Rajpati
For the Opposite Party : Mr. Arvind Kr. Pandey

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-08-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Piyar (Pear) P.S. Case No. 52 of 2016, disclosing the offence punishable under Section 307 and other allied Sections of the Indian Penal Code and Sections 3 of the Explosive Substance Act.

It is alleged that the FIR named accused persons armed with fire-arm, explosive substances, *farsa*, *bhala* etc. and they were ploughing field and also digging soil for raising a hut over a piece of land which belonged to the informant. They are said to have hurled bomb on the informant but he fortunately escaped. On information to this effect the police came and



arrested two persons named in the FIR.

Learned counsel appearing on behalf of the petitioner has submitted that it is evident from the FIR itself that land dispute is the reason behind lodging of the FIR and apparently neither the informant nor any other person received any injury of any nature. He has argued that the entire case of the prosecution is concocted in the background of land dispute.

Be that as it may, considering the background in which the occurrence is said to have taken place and the fact that no one is alleged to have received any injury, a case for grant of anticipatory bail is made out. This application is 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 11th Additional Sessions Judge, Muzaffarpur, in Piya P.S. Case No. 52 of 2016, G.R. No. 3592 of 2016, Sessions Trial No. 62 of 2017, 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)

Rajesh/-

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