

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22593 of 2020

Arising Out of PS. Case No.-183 Year-2018 Thana- MAHUA District- Vaishali

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Ganesh Kuwar @ Jatai Kuwar S/o Late Jai Narayan Kuwar Resident of
Village- Karihan, P.S.- Mahua, Distt- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Srinandan Prasad Singh, Advocate
		Ms. Prakritita Sharma, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Pd. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2020 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 apprehending arrest in a case
registered for the offences punishable under Sections 341, 323,



325, 504, 506, 354 and 379/34 of the Indian Penal Code.

The prosecution case, as per the written report of Bimla Devi submitted to the Station House Officer, Mahua Police Station, is to the effect that in the background of serious civil dispute including pendency of the title suit between the parties, since the accused persons were disobeying the injunction order. On protest being made, the accused persons abused and assaulted the informant causing fracture injury and took away a gold chain and ornaments from the informant.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general and no fracture injury has been found by the doctor during medical examination. The accusation has been levelled in the background of land dispute and pending title suit. There is a counter case being Mahua P.S. Case No. 191 of 2018 lodged by the wife of the petitioner, Rekha Devi against the informant. The investigation has already been concluded and charge sheet has been submitted under Sections 323, 325, 504, 506 and 354 of the Indian Penal Code. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation of assault is specific against the informant and the petitioner has been



charge sheeted.

Considering the genesis of the occurrence being civil dispute from before, nature of injury and the fact that the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 183 of 2018.

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 anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (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, Vaishali at Hajipur in connection with Mahua P.S. Case No. 183 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory 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)

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