

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22335 of 2020

Arising Out of PS. Case No.-235 Year-2018 Thana- DAUDPUR District- Saran

Vicky Yadav @ Biky Yadav @ Aditya Kumar Yadav Son of Jawahar Yadav
Resident of Village - Navalpur, P.S.- Daudpur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh

For the Opposite Party/s : Mr. 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
13.05.2020 in a case registered for the offences punishable
under Sections 147, 148, 149, 307, 324, 326, 379, 504 and 506



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

The prosecution case, as per the fardbeyan of Pradip Kumar recorded by A.S.I., Surendra Bhagat on 02.12.2018 at 3.00 P.M. at Sadar Hospital, Chapra, is to the effect that on the same day at 8.30 A.M., the informant was going to plough his agricultural field by tractor, in the meantime, five accused persons including the petitioner came and tried to rob off his tractor, and when the informant made protest, the petitioner assaulted the informant by giving him farsa blow twice on the head. It is further alleged that all the accused persons resorted to fire in the air to terrorize the nearby people.

It is submitted by learned counsel for the petitioner that in the background of earlier litigated relationship, the accusation has been levelled against the petitioner. In fact, the father of the petitioner at earlier point of time had lodged Daudpur P.S. Case No. 233 of 2018 on 03.12.2018 with accusation under Sections 341, 323, 324 and 506/34 of the Indian Penal Code, as contained in Annexure-2, and thereafter the present case has been lodged on 07.12.2018 by the informant. It is further submitted that at earlier point of time, the



informant Pradeep Kumar had also lodged Manjhi P.S. Case No. 281 of 2017 for the offence punishable under Section 379 of the Indian Penal Code. The petitioner has been made accused in seven other cases and almost in all the cases, he is on bail, statement to that effect has been made in paragraph 3 of the petition. The investigation has already been concluded.

Learned APP for the State submits that the accusation of assault is specific against the petitioner and the injury has been found grievous.

Considering the fact that the accusation has been levelled in the background of litigated relationship, the charge sheet has not been submitted under Section 307 of the IPC and the case lodged by the petitioner's side at earlier point of time, 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 Additional Chief Judicial Magistrate-XIV, Saran at Chapra in connection with Daudpur P.S. Case No. 235 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 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 Additional Chief Judicial Magistrate-XIV, Saran at Chapra in connection with Daudpur P.S. Case No. 235 of 2018.

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)

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