

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1492 of 2020

Arising Out of PS. Case No.-144 Year-2020 Thana- BARAUNI District- Begusarai

=====

VIKASH SINGH @ VIKASH KUMAR S/o- Vijay Kumar Singh @ Vijay Singh Resident of Village- Keshave Ward No. 10, P.S.- Barauni (Refinary O.P.), District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Shubhesh Pandey
For the Respondent/s : Mr.A.G

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2020 The matter has been taken up through virtual Court proceeding.

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

Learned counsel for the appellant undertakes to remove the defects within three weeks of resumption of Court proceedings.

In case of non removal of the defects within undertaken period, the office shall place the matter



before the bench.

Heard learned counsel for the appellant and learned Special P.P. for the respondent-State.

The present appeal has been preferred on behalf of the appellant for setting aside the order dated 17.06.2020 passed by learned Special Judge, SC/ST (PoA) Act, Begusarai, whereby the appellant's prayer for bail in connection with Barauni (Refinery O.P) P.S. Case No. 144 of 2020 registered for the offences punishable under Sections 323, 307, 325, 341, 327, 504, 506, 34 of the Indian Penal Code, 1860 and Sections 3(1)(r)(s) (f) of SC/ST (Prevention of Atrocities) Act, 1989 has been rejected.

The prosecution case, as per the written report of Jitendra Kumar, submitted to the Station House Officer of Barauni (Refinery O.P) Police Station, is to the effect that the appellant along with other F.I.R named accused persons came at the door of the informant and demolished the hut and when protest was made, it is



alleged that mother of the informant was assaulted by lathi on her head and she was abused by taking her caste name by all the accused persons including the appellant.

It is submitted by learned counsel for the appellant that in the background of land dispute, the accusation has been levelled. In fact, in the said occurrence, the appellant also received five injuries, out of which with regard to two injuries, the medical opinion has been kept reserved. Moreover, the injury report of the mother of the informant has been obtained from a private doctor which suggests only one injury, whereas the accusation of assault has been levelled against nine persons.

A statement has been made in para 3 of the petition that appellant is not having any criminal antecedent and he is in custody since 13.05.2020. Moreover, the investigation has already been concluded.

Learned counsel for the State submits that



accusation of assault has been levelled against all the accused persons including the appellant.

Considering the fact that accusation is not being corroborated by the medical opinion and the F.I.R does not reflect that any injury has been caused to the informant, the order dated 13.05.2020 passed by learned Special Judge, SC/ST (PoA) Act, Begusarai is, hereby, set aside and the appellant above named is directed to be released on bail for a period of three months for the present on furnishing one surety to the satisfaction of the learned Special Judge-SC/ST (PoA), Act, Begusarai in connection with Barauni (Refinery O.P) P.S. Case No. 144 of 2020.

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 appellant which may be transmitted by such surety to



the learned Court concerned through e-mode.

The provisional bail of the appellant 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 Special Judge, SC/ST (PoA), Act, Begusarai in connection with Barauni (Refinery O.P) P.S. Case No. 144 of 2020.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

Accordingly, the appeal is allowed.

(Dinesh Kumar Singh, J)

Shageer/-

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

