

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25167 of 2020

Arising Out of PS. Case No.-66 Year-2020 Thana- DHANAHA District- West Champaran

Jitendra Kushwaha, S/o Late Dukhi Kushwaha Resident of Village- Sahaj
Tola Barawa, P.S.- Dhanaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mitali

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2020 The matter has been taken up through virtual

Court proceeding.

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

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical 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 petitioner and
learned counsel for the State.



The petitioner is languishing in custody since 19.06.2020 in a case registered for the offence punishable under Sections 341, 323, 324, 360, 302, 504, 120(B)/34 of the Indian Penal Code, 1860.

The prosecution case as per the fardbeyan of Shambhu Chauhan, recorded by S.I. Shambhu Sharan Gupta on 21.03.2020 at 6:00 P.M is to the effect that informant and his son namely Harkesh Chauhan were carrying sugarcane on a tractor which was being driven by the son of the informant but on the way, ten accused persons including the petitioner came on four motorcycles and started assaulting the informant and his son. It is alleged that co-accused Kishmati Devi instigated co-accused Govind Kushwaha for making assault. Subsequently, son of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that specific accusation of assault is against co-accused Govind Kushwaha, Dharmendra Kushwaha



and Vinod Kushwaha. The investigation has already been concluded and co-accused Kismati Devi, who is alleged to have instigated co-accused Govind Kushwaha to make assault on the son of the informant has been granted bail by a Co-ordinate bench of this Court vide order dated 25.06.2020 passed in Cr. Misc. No. 19641 of 2020.

A statement has been made in para 3 of the petition that petitioner is not having any criminal antecedent.

Learned A.P.P submits that petitioner is named in the F.I.R.

Considering the fact that specific accusation of assault is not against the petitioner, co-accused Kismati Devi who is alleged to have instigated one of the co-accused person Govind Kushwaha to make assault has been granted bail by a Co-ordinate bench of this Court, the investigation has been concluded and 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 learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 66 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 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 bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 66 of 2020 including one surety



given at the time of provisional bail.

The learned Court below will be 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 present application stands disposed of.

(Dinesh Kumar Singh, J)

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