

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1462 of 2020

Arising out of PS. Case No.-110 Year-2020 Thana- KATRA District- Muzaffarpur

1. Md. Ansarul Hasan @ Ansarul Hasan @ Ansarul Haq Son of Md. Mahmood Alam Resident of Village - Lqwdi, P.S. - Katra, District - Muzaffarpur.
2. Md. Jamal Son of Late Md. Idirish Resident of Village - Lqwdi, P.S. - Katra, District – Muzaffarpur. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ganesh Prasad Singh, Advocate
For the Informant	:	Mr. Hemant Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Ganesh Prasad Singh, learned counsel for the appellants, Mr. Hemant Kumar, learned counsel for the informant and Mr. Binay Krishna, learned APP for the respondent-State.

The present appeal has been preferred on behalf of the appellants for setting aside the order dated 26.06.2020 passed by learned 9th Additional Sessions Judge-cum-Special Judge, SC/ST, Muzaffarpur, whereby the appellant's prayer for bail in connection with Katra P.S. Case No. 110 of 2020 registered for the offences punishable under Sections 341, 307 and 504/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act, has been rejected.



The prosecution case, as per the fardbeyan of Domini Devi recorded by Inspector-cum-SHO, Katra P.S. on 09.05.2020 at 10.30 A.M. is to the effect that on 08.05.2020 at 8 A.M., Md. Ansarul Hasan, the appellant no. 1 and co-accused Jhameli Sahni started fighting in front of the house of the informant and on protest being made by the informant and his family members both the appellants, Md. Ansarul Hasan and Md. Jamal started abusing, thereafter, it is alleged that co-accused Md. Kamal resorted to fire which hit in the arm of the informant subsequently she was taken to Sri Krishna Medical College & Hospital, Muzaffarpur and after getting her treated, her fardbeyan was recorded on next day.

It is submitted by learned counsel for the appellants that with regard to same occurrence of dispute of fishing in a pond, between the appellant no. 1 and co-accused Jhameli Sahni, Jhameli Sahni lodged Katra P.S. Case No. 108 of 2020 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 153(A), 295(A), 337 and 504 of the Indian Penal Code and Section 27 of the Arms Act against the appellant. In the said FIR, it is alleged that Domini Devi received firearm injury. There is a counter-version of the occurrence lodged by appellant no. 1, Ansarul Hasan being Katra P.S. Case No. 109 of 2020 for the



offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 435, 153(A), 295(A) and 504 of the Indian Penal Code and Section 27 of the Arms Act. It is further submitted that all the accused have been granted bail in the case lodged by Jhameli Sahni, hence, present case has been lodged at the behest of Jhameli Sahni by Domini Devi and for the occurrence of 08.05.2020, the fardbeyan was recorded on 09.05.2020. The specific accusation of firing is against co-accused Md. Kamal. The appellant is also accused in Katra P.S. Case No. 108 of 2020 lodged by Jhameli Sahni and investigation has already been concluded.

Mr. Binay Krishna, learned APP and Mr. Hemant Kumar, learned counsel for the informant submits that the appellants are named in the FIR.

Considering, the genesis of occurrence, the fact that for the same occurrence in Katra P.S. Case No. 108 of 2020 the appellants are on bail and the investigation has already been concluded, the order dated 26.06.2020 is, hereby, set aside and the appellants above named are directed to be released on bail for a period of three months for the present on furnishing one surety to the satisfaction of 9th Addl Sessions Judge-cum-Special Judge, SC/ST, Muzaffarpur in connection with Katra P.S. Case No. 110



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 9th Additional Sessions Judge-cum-Special Judge, SC/ST, Muzaffarpur in connection with Katra P.S. Case No. 110 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)

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