

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23306 of 2020

Arising out of P.S. Case No.-134 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Prem Chand Paswan S/o- Arun Paswan R/o Village- Sendhuari Gaj Singh,
P.S.- Motipur, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2020 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
23.01.2020 in a case registered for the offences punishable



under Section 307/34 of the Indian Penal Code and Section 27 of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Ravindra Rai recorded on 17.03.2019 at 10 P.M. by S.I. of Motipur Police Station, is to the effect that on the same day, one Ashok Paswan was asked for the resolution of a family dispute, when the informant reached the house of Ashok Paswan, several persons were present there from before and it is alleged that co-accused Jitendra Bhagat and Premchand Paswan, the petitioner fired on the back of the informant, as a result, he received injuries.

It is submitted by learned counsel for the petitioner that though there is accusation of firing by two persons but the impugned order suggests only one injury found on the body of the informant and several co-accused persons have been granted bail by different Co-ordinate benches of this Court. A statement has been made in paragraph no. 3 of the petition that the petitioner is accused in two other cases and the investigation has already been concluded.

Learned APP for the State submits that the accusation of firing is against the petitioner.



Considering the nature of accusation and the genesis of the occurrence, **let the learned Court below verify from the case diary and if it is found that only one injury has been received by the informant then in that circumstance, petitioner above named will be released on bail,** for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 4th Additional District and Sessions Judge, Muzaffarpur in connection with Motipuar P.S. Case No. 134 of 2019 and **if it is found that there are two injuries on the body of the informant, in that circumstance, he will be at liberty to renew the prayer for bail after four months.**

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 4th Additional District and Sessions Judge, Muzaffarpur in connection with Motipuar P.S. Case No. 134 of 2019.

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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