

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24673 of 2020

Arising Out of PS. Case No.-96 Year-2020 Thana- BASANTPUR District- Siwan

HITESH KUMAR S/o Satya Prakash Verma Resident of Village- Basaha,
P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Vikram Deo Singh, Satyendra Rai, Advocates
For the State	:	Ms Gulnar Begum, APP
For the Informant	:	Mr Mukesh Kr Singh, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

9 22-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Basantpur Police Station (for brevity, PS) Case No 96 of 2020 instituted for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of Indian Penal Code (for brevity, *IPC*) but later on added with



Section 302 of IPC.

The informant has alleged that he was working as a Deed Writer. His sons, namely, Prabhat Kumar Srivastava and Ajay Raj were sitting with him in the Sub Registry Office. The accused persons, including the petitioner, came there to sell some land of Basantpur and requested for witnesses and identifiers which was refused by the informant. The accused persons, armed with knives, assaulted the informant and his sons.

It is submitted by the learned counsel for the petitioner that specific allegation of knife assault on Prabhat Kumar Srivastava is alleged against co-accused Amitesh Kumar. Co-accused Manish Kumar is alleged to have given knife blow to Ajay Raj. The petitioner is alleged to have assaulted the informant by knife. The allegation of snatching money is super addition. The fatal knife injury upon Prabhat Kumar Srivastava was alleged against co-accused Amitesh Kumar. The informant, in respect of the allegations, has made inconsistent statement in the investigation. The alleged assault by petitioner upon the informant is not corroborated in investigation as the police has found that written report was submitted by the informant and that he was present at the Primary Health Center along with the



other injured persons. It is also stated by the informant that after death of his son Prabhat Kumar Srivastava, he has got himself discharged from the Hospital and came to the PS to give statement in this regard. Such statements of the informant falsify the allegation of any severe knife assault having been inflicted by the petitioner on the informant. Petitioner is in custody since 04.03.2020 having no criminal antecedent.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail. The informant has also filed a counter affidavit annexing an injury report alleged to have been issued upon examination of the informant wherein two sharp cutting injuries have been found. On going through the same, this Court would observe that it is dated 25.04.2020 though the occurrence, in which injury has been allegedly sustained by the informant, is dated 03.03.2020. Also, injury has been opined as simple in nature.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in Basantpur PS Case No 96 of 2020 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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