

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25171 of 2020

Arising Out of PS. Case No.-302 Year-2020 Thana- SUGAULI District- East Champaran

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1. Sheikh Aasmuddin @ Sheikh Asauddin S/o Late Sheikh Abdul Hamid Resident of Village-Chapwa, Ward No.12, P.S.-Sugauli, District-East Champaran.
 2. Sheikh Jamaluddin S/o Sheikh Aasmuddin @ Sheikh Asauddin @ Sheikh Asamuddin Resident of Village-Chapwa, Ward No.12, P.S.-Sugauli, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Ahmad Khan
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2020 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 petitioners 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 petitioners and



learned counsel for the State.

The petitioners are languishing in custody since 03.06.2020 in a case registered for the offences punishable under Sections 147, 341, 323, 324, 325, 307, 379, 504, 506 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Anwarul Haque, submitted to the S.H.O, Sugauli Police Station is to the effect that on 02.06.2020, petitioner No. 1 namely Sheikh Aasmuddin, co-accused Sheikh Allaudin, Sheikh Sakauddin and petitioner No. 2 namely Sheikh Jamaluddin along with 4-5 unknown persons were storing soil on the land of the informant. On protest being made, all the accused persons including the petitioners demolished the fence of the land and attacked the informant with iron rod, farsa and lathi. It is specifically alleged that co-accused Sheikh Allaudin assaulted the brother of the informant on his head, as a result he fell down on the ground. Thereafter, petitioner No. 2 namely Sheikh Jamaluddin assaulted him with iron



rod causing fracture injury on his thigh. When the sister of the informant came to the rescue, then petitioner No. 2 and co-accused Salauddin assaulted her with iron rod.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. There is counter version of the occurrence. The injuries of brother and sister of the informant have been found simple in nature and the investigation has already been concluded. Moreover, petitioner No. 1 is aged about seventy years. Statement has been made in para 3 of the petition that petitioners are not having any criminal antecedent.

Learned A.P.P submits that accusation is specific against petitioner No. 2.

Considering the genesis of the occurrence being land dispute, nature of injury, counter version of the occurrence and the investigation being concluded, let the petitioners, 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 Chief Judicial Magistrate, Motihari in connection with Sugauli P.S. Case No. 302 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 petitioners which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Sugauli P.S. Case No. 302 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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