

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35235 of 2020**

Arising Out of PS. Case No.-93 Year-2020 Thana- KOTWALI District- Munger

SUMAN @ SUMAN KUMAR CHOUDHARY Son of Birendra Choudhary
Resident of Village- Raiser, P.S.- Kotwali, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 23-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding 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 physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 376, 457 & 511/34 of the Indian Penal Code.

The prosecution case, in brief, is that while the



informant was sleeping in her house the petitioner along with other co-accused is said to have jumped in her room through the ventilator. They dashed her to the ground and tried to force her but she raised hulla. On hearing hulla, her husband awoke up. The informant switched on the light and recognized the petitioner and the co-accused. The people of the vicinity assembled on hearing hulla and had beaten these two persons in course of escaping but they fled away taking advantage of darkness.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to ulterior motive. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, petitioner is a labour (Painter) and has worked in the house of the informant and due to difference in wages, a quarrel took place between them and the informant lodged this false and frivolous case against him. The petitioner has no criminal antecedent has been languishing in custody since 11.03.2020.

Learned APP for the State opposed the bail



petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Kotwali P.S. Case No.93 of 2020.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

