

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62228 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- NAYA RAM NAGAR District- Munger

Rashmi Chourasia@RASHIM CHOURASIA @ NAVEEN
CHAURASI@Rosmi Choursya S/o Ram Swarup Chaurasiya @ Ram Swarup
Prasaed Resident of English Patam, P.S.- Naya Ram Nagar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 14-08-2020 The court proceeding has been conducted through

virtual mode.

Heard Mr. Vikramdeo Singh, learned counsel for the

petitioner and Mr. J. N. Thakur, learned APP for the State.

The petitioner is languishing in custody since
23.03.2019, in a case registered for the offences punishable
under Sections 147, 148, 149, 307 and 302 of the IPC.

The prosecution case, as per the fardbeyan of
Sadhna Devi, recorded by S.I. Ram Pati Choudhary, Kotwali
Police Station, Munger, on 21.03.2019 at 05.05 P.M. is to the
effect that that on 21.03.2019 at 2.00 P.M., the informant was
worshiping in a temple, when her son, Vivek Kumar @ Shivam
and co-villager, Vikash Yadav were playing Holi. In the



meantime, 15 FIR named accused persons along with 10-15 unknown came variously armed, they surrounded the son of the informant and co-villager, Vikash Yadav. Co-accused Vidhotama Devi and Sanjeev Kumar Chaurasia ordered to kill them, upon which co-accused, Mukesh Kumar, Rajesh Kumar Chaurasia caught hold the son of the informant and co-accused, Vishundeo Mandal, Sanjay Tanti caught hold of the co-villager, Vikash Yadav and with intention to kill, co-accused, Sanjeev Chaurasia with sword, the petitioner Rashmi Chaurasia @ Navin Chaurasia with farsa, co-accused, Sashibhushan Chaurasia, Rajesh Chaurasia, Mukul Kumar with iron rod assaulted on the head of the son of the informant whereas co-accused Mrityunjay Kumar, Manish Kumar, Suraj Mandal, Chhotu Mandal, Sunil Mandal assaulted Vikash Yadav with iron rod. On alarm being raised, when the villagers came, the accused persons escaped from the scene. Thereafter, the injured were taken to Sadar Hospital, Munger where in course of treatment, the son of the informant succumbed to the injuries.

Learned counsel for the petitioner submits that in the background of land dispute, the accusation has been levelled. There is specific accusation of making assault by co-accused, Sanjeev Kumar Chaurasia with sword and the



petitioner with farsa, the sharp cut weapon whereas co-accused, Sashibhushan Chaurasia, Rajesh Chaurasia, Mukul Kumar with iron rod, but only one sharp cutting injury has been found on the left parietal region of the victim. The other seven injuries have been found caused by hard and blunt substance. Since it is not clear that either the two including the petitioner who alleged to have caused injury with sharp cutting weapon actually caused the injury no.1. There is a counter version of the occurrence also being Ram Nagar P.S. Case No. 84 of 2019. A statement has been made in paragraph no.3 of the petitioner that the petitioner is not having any criminal antecedent. In the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the accusation is specific against the petitioner to have assaulted with farsa.

Considering the fact that the accusation of making assault with sharp cutting weapon is against the petitioner and co-accused, Sanjeev Chaurasia, but only one injury has been found caused by sharp cutting weapon and the trial is not likely to be concluded due to the pandemic, Covid-19, coupled with



statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ACJM-1, Munger, in connection with Ram Nagar P.S. Case No. 85 of 2019.

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 petitioner which may be transmitted by such 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 learned ACJM-1, Munger, in connection with Ram Nagar P.S. Case No. 85 of 2019.



The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions during trial.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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