

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87008 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- TEGHRHA District- Begusarai

ANIL SINGH Son of Late Brahamdeo Singh Resident of - Raat gaon, P.S.-
Teghra, District - Begusarai. At present Resident of - A-823, Madipur, J.J.
Colony, Paschim Vihar, West Delhi, P.S.- Paschim Vihar, District - Delhi.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP
For the informant : Mr. Shubhesh Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 05-06-2020 The matter has been taken up through virtual Court
proceeding.

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

The present application has been preferred with a
prayer for grant of bail in a case registered for the offences
punishable under Sections 341, 323, 324, 427, 307, 504, 506/34
of the Indian Penal Code.

The prosecution case as per the fardbeyan of Ram
Deo Singh recorded on 15.06.2019 at 6.15 P.M. by the S.I.
Ravindra Kumar Singh, Teghra Police Station is to the effect
that on 14.06.2019 at 8.30 A.M., Anil Singh (petitioner), co-
accused, Sunil Kumar, Sonu Kumar, the wife of Anil Singh and



Khusbu Devi were cutting bamboo from the bamboo clump of the informant. On protest being made, the petitioner assaulted with axe on the head of the informant and thereafter, co-accused, Sunil Singh assaulted with a katta, a sharp cutting weapon, causing injury on the head of the informant. Consequently, the informant fell down, thereafter, co-accused, Sonu Singh assaulted with lathi on the chest and arm. The wife of Anil Singh and Khusbu Devi assaulted him with fists and slaps.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant and in the background of land dispute, the accusation has been levelled. The I.O. has not found any sign of bamboo cutting on the place of occurrence. Moreover, there is no accusation of repeating the blow against the petitioner. The petitioner is languishing in custody since 22.10.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that the petitioner caused grievous injury to the informant, hence, he does not deserve bail.

Learned APP for the State submits that there is specific accusation of assault by the petitioner through an axe



on the vital part of the body (head).

Considering the the genesis of the occurrence, there is no accusation of repeating the blow against the petitioner, rather the accusation of indiscriminate assault has been alleged by five accused person, but only two injuries have been found and the fact that investigation has already been concluded coupled with statement made in paragraph no.3 of the petition 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 CJM, Begusarai, in connection with Teghra P.S. Case No.237 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 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 CJM, Begusarai, in connection with Teghra P.S. Case No.237 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

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