

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12943 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- DESARI District- Vaishali

1. Anil Kumar S/O Vishwanath Prasad R/O Village-Kutubpur Dighara, P.S.- BIDUPUR, District-Vaishali.
2. Ram Milan Anshumali S/O Late Subbalal Bhagat R/O Village-Sahdei Bujurg, P.S.-DESARI, District-Vaishali At Hajipur.
3. Surendra Bhagat @ Surendra Kumar Bhagat S/O Brahmdeo Bhagat R/O Village-Sahdei Bujurg, P.S.-DESARI, District-Vaishali At Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in Desari (Sahdei O.P.) P.S. Case No. 52 of 2020 registered for the offence under Sections 147, 149, 341, 323, 324, 307, 385, 337, 338, 504 and 506 of



the Indian Penal Code.

Prosecution case in short is that the petitioners along with other accused persons came at the door of the informant and started abusing. When the informant came out, the accused persons tried to fire from pistol on her son Ajay Kr. Bhagat but the same was misfired. Thereafter, the accused persons assaulted the informant's son and husband on their head, which caused injuries to them.

It has been submitted on behalf of the petitioners that the petitioner No. 3 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. Due to land dispute, the alleged occurrence is said to have taken place. The case has been instituted after two days of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution. The injury sustained in course of the occurrence, is said to be simple. Hence, no offence u/S 307 of the Indian Penal Code is attracted in the present case.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails



is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Additional Chief Judicial Magistrate-XVth, Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No. 52 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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