

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11850 of 2021

Arising Out of PS. Case No.-436 Year-2020 Thana- GARKHA District- Saran

1. Ramakant Rai, aged about 75 years, Male, Son of Late Ram Bachan Rai, Resident of Village - Ismailpur, Police Station - Garkha, District - Saran at Chapra.
2. Akhilesh Kumar, aged about 18 years, Male, Son of Birendra Rai, Resident of Village - Ismailpur, Police Station - Garkha, District - Saran at Chapra.
3. Akhilesh Rai, aged about 27 years, Male, Son of Awadhesh Rai, Resident of Village - Ismailpur, Police Station - Garkha, District - Saran at Chapra.
4. Guddu Kumar, aged about 23 years, Male, Son of Awadhesh Rai, Resident of Village - Ismailpur, Police Station - Garkha, District - Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Satya Prakash, Advocate
For the Opposite Party	:	Mr. Md. Anis Akhtar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-01-2022 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 learned A.P.P. for the State through Virtual mode.

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

The petitioners are apprehending their arrest in



connection with Garkha P.S. Case No. 436 of 2020 for the offence registered under Sections 147, 148, 149, 323, 324, 379, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 06.09.2020 at about 11.00 A.M. the nephew of the informant, namely, Umesh Rai, was returning his home from the market and when he reached near the house of Awadhesh Rai, petitioners and other accused persons caught him and started abusing and assaulting him with *Lathi* and *Khanti* but he anyhow reached at his home. After chasing, F.I.R. named accused persons caught Umesh Rai and upon the order of co-accused Birendra Rai, co-accused Raju Rai caused *Khanti* blow on his head due to which, he fell down after sustaining injury. Thereafter, co-accused Vikram Rai inflicted *Lathi* blow on him due to which, he become unconscious. Upon noise, Raj Nath Rai and his son Kundan Kumar came there to intervene but co-accused Haresh Rai caused *Daab* blow on the head of Raj Nath Rai due to which, blood was oozing and co-accused Surendra Rai inflicted *Iron rod* blow on the head of Kundan Kumar due to which, blood was oozing. Thereafter, Umesh Rai and Raj Nath Rai were brought to Garkha P.H.C. for treatment. Guddu Kumar (petitioner no. 4) took Rs. 2,000/- from the pocket of the



informant.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. Specific allegation of overt act is alleged against co-accused, namely, Raju Rai, Vikram Rai, Haresh Rai and Surendra Rai. As far as petitioners are concerned, general and omnibus allegation has been made against them. No specific overt act is alleged against them. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the 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, the petitioners, above named, in the event of arrest/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 the learned J.M. Ist Class, Saran at Chapra, in connection with Garkha P.S. Case No. 436 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) each 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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