

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12947 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- NAUBATPUR District- Patna

1. SONU KUMAR Son of Lal Babu Yadav Resident of Village - Balathakur (Mathiyapar), P.S.- Naubatpur, Dist.- Patna.
2. RAJA KUMAR Son of Late Siyaram Yadav Resident of Village - Balathakur (Mathiyapar), P.S.- Naubatpur, Dist.- Patna.
3. CHINTU KUMAR Son of Late Siyaram Yadav Resident of Village - Balathakur (Mathiyapar), P.S.- Naubatpur, Dist.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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 Naubatpur P.S. Case No. 05 of 2020 registered for the offence under



Sections 3419, 323, 307, 337, 338/34 of the Indian Penal Code.

Allegedly, the accused persons started abusing the informant and his younger son when they had been asking from contractor as to how he was getting road casted without measurement and permission of the owner of the land. They started scuffling and one Pinku Kumar fetched iron rod from house of the petitioner No. 3 Chintu Kumar and assaulted the informant's son on his head causing bleeding injury.

It has been submitted on behalf of the petitioners that the petitioners have 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. Brick batting is alleged to have taken place during the occurrence. The nature of injury sustained by the informant is said to be simple. 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-II, Danapur, Patna in connection with Naubatpur P.S. Case No. 05 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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