

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12952 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- PARSABAZAR District- Patna

1. KUNAL DEVI W/o- Subodh Paswan Resident of Village- Simara, P.S.- Parsa Bazar, District- Patna.
2. Rinki Devi W/o Kanhai Paswan Resident of Village- Simara, P.S.- Parsa Bazar, District- Patna.
3. Vikash Paswan S/o Late Uday Paswan Resident of Village- Simara, P.S.- Parsa Bazar, District- Patna.
4. Rahul Paswan S/o Subodh Paswan Resident of Village- Simara, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 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 Parsa



Bazar P.S. Case No. 198 of 2020 registered for the offence under Sections 341, 323, 504, 308, 337, 34 of the Indian Penal Code.

Allegedly, the accused persons were damaging the government water tank by bricks and stones and when the informant forbade, she was assaulted by them and in consequence thereof, the accused persons also assaulted brother of the informant due to which, he sustained injury at his head and blood started oozing out.

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. Both parties are neighbours. For a petty reason, the alleged occurrence is said to have taken place. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Petitioner Nos. 1 & 2 are ladies.

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 Sub Judge-VIII, Patna in connection with Parsa Bazar P.S. Case No. 198 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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