

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11176 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- GURUA District- Gaya

1. ANITA DEVI Wife of Sanjay Paswan Resident of Village - Jai Bigha, P.S.- Gurua, District - Gaya
2. Saurabh Kumar Son of Sanjay Paswan Resident of Village - Jai Bigha, P.S.- Gurua, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha, Advocate
For the Opposite Party/s : Mrs.Veena Rani Prasad, APP

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 learned APP for the State through virtual mode.

The petitioners are apprehending their arrest in connection with Gurua P.S. case No.121 of 2020 registered under Sections 147, 148, 149, 341, 323, 308, 504, 506 of the Indian Penal Code.

Prosecution case, in short, is that the accused persons including the petitioners came armed with lathi, danda, iron



khanti and abused the father of the informant and co-accused Sanjay Paswan assaulted the father of the informant by means of iron khanti, due to which he sustained injury on his head.

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 falsely been implicated in the present case. Specific allegation is against the co-accused, namely, Sanjay Paswan. As far as the petitioners are concerned, general and omnibus allegation has been made. The nature of injury is said to be simple. Hence, no offence under Section 308 of I.P.C. is made out.

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 facts and circumstances, 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 bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Sherghaty (Gaya) in connection with Gurua P.S. case No.121/2020, 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)

Narendra/-

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