

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14402 of 2021

Arising Out of PS. Case No.-564 Year-2020 Thana- BRAHMPUR District- Buxar

1. MUNNA CHOUBEY S/O Late Sri Niwas Choubey R/O Vill.- Gosaipur, P.S. - Brahampur, Dist. - Buxar.
2. Shankar Choubey @ Shankar Bhagwan Choubey S/o Late Sri Niwas Choubey R/O Vill.- Gosaipur, P.S. - Brahampur, Dist. - Buxar.
3. Ram Niwas Choubey S/o Late Dina nath Choubey R/O Vill.- Gosaipur, P.S. - Brahampur, Dist. - Buxar.
4. Deepak Choubey S/O Ram Niwas Choubey R/O Vill.- Gosaipur, P.S. - Brahampur, Dist. - Buxar.
5. Jai Shankar Upadhyay S/O Sridhar Upadhyay R/O Vill.- Parasaganda, P.S. - Sikroul, Dist. - Buxar.
6. Manish Kumar Pandey S/O Manoj Pandey R/O Vill.- Pipradih, P.S. - Bagengola, Dist. - Buxar.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma
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 Brahampur P.S. Case No. 564 of 2020 registered for the offence under Sections 341, 323, 504, 308, 447, 427,34 of the Indian Penal Code.

Allegedly, in the backdrop of dispute for construction of boundary wall, all the accused persons variously armed with Gadansi, iron rod, danda, iron pipe and katta assaulted the informant. When the family members of the informant came to rescue him, they were also assaulted.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. From perusal of the order of learned Sessions Judge, it appears that the nature of injury is simple. No offence u/S 308 of the Indian Penal Code is attracted in the present case. Rest of the offences are triable by the Magistrate.

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 Chief Judicial Magistrate, Buxar in connection with Brahampur P.S. Case No. 564 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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