

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14346 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. TARANI SINGH S/o Late Ramji Singh Resident of Village - Bochaha, P.S. - Mohiuddinagar, District - Samastipur.
 2. ABHIMANYU KUMAR SINGH S/O Vishwanath Singh Resident of Village - Bochaha, P.S. - Mohiuddinagar, District - Samastipur.
 3. AMRESH SINGH @ AMRESH KUMAR SINGH S/O Vishwanath Singh Resident of Village - Bochaha, P.S. - Mohiuddinagar, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-01-2022 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.

By order dated 26.07.2021, this application with regard to petitioner Nos.2 and 3 has already been dismissed as withdrawn.

Heard learned counsel for the petitioner No.1 and learned APP for the State through virtual mode.

Learned Counsel for the petitioner No.1 is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioner No.1 is apprehending his arrest in



connection with Mohiuddinagar P.S. case No.167/2020 registered under Sections 302, 324, 323, 341, 447, 504, 506, 147, 148, 149 of the Indian Penal Code.

Prosecution case, in short, is that the accused persons including the petitioner No.1 having armed with lathi, danda, bhala and pistol came to the house of the informant and started assaulting the father of the informant, as a result of which his father got badly injured and he was taken to the Hospital for treatment, where the doctor declared him dead.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.1. The petitioner No.1 has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner No.1. No specific overt act is alleged against the petitioner No.1. The postmortem report does not support the allegations made in the F.I.R. As per the postmortem report, there is no external injury found on the body of the deceased.

On behalf of the State, it is submitted that the petitioner No.1 is 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 petitioner No.1, 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 his personal bond to the satisfaction of learned A.C.J.M. IV, Samastipur in connection with Mohiuddinagar P.S. case No.167/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No.1 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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