

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14500 of 2021**

Arising Out of PS. Case No.-59 Year-2020 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Kanhaiya Ram @ Kanhaiya Kumar S/O Jageshwar Ram R/O Phulwaria 01 Tara Adda P.O Barauni P.S Phulwaria District-Begusarai
 2. Basant Ram @ Basant Kumar S/O Jageshwar Ram R/O Phulwaria 01 Tara Adda P.O Barauni P.S Phulwaria District-Begusarai
 3. Shivam Ram @ Shivam Kr. S/O Jhanpshu Ram R/O Phulwaria 01 Tara Adda P.O Barauni P.S Phulwaria District-Begusarai
 4. Jageshwar Ram S/O Late Ramkishun Ram R/O Phulwaria 01 Tara Adda P.O Barauni P.S Phulwaria District-Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-02-2022 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.

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



connection with Complaint case No.59C of 2020 registered under Sections 147, 323, 341, 354(b), 504, 506, 149, 452, 384/34 of the Indian Penal Code.

Prosecution case, in short, is that the accused persons including the petitioners entered into the house of the informant armed with weapons and abused. Co-accused Deepak Ram, who was armed with pistol, pulled down the informant after catching her hair. When her husband rushed to rescue her, the accused persons also assaulted the husband of the informant.

It has been submitted on behalf of the petitioners that the petitioner Nos.3 and 4 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 due to previous enmity. The present case has been instituted as a counter blast to the Annexure 4 to the present application. Specific allegation is against the co-accused Deepak Ram. All 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 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 Sri Brijnath, J.M. 1st class, Begusarai in connection with Complaint case No.59C/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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