

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16047 of 2021**

Arising Out of PS. Case No.-221 Year-2020 Thana- BELHAR District- Banka

1. Kapil Das S/O Singeshwar Das R/O Bhagwanpur Boka, P.S Belhar, District-Banka.
2. Sanoj Das S/O Singeshwar Das R/O Bhagwanpur Boka, P.S Belhar, District-Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Amrendra Kumar Jha, Advocate
For the State	:	Mr.Murli Dhar, APP
For the informant	:	Mr.Balram Kapri, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-01-2022 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.

Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant 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 Belhar P.S. case No.221 of 2020 registered



under Sections 147, 148, 149, 341, 323, 324, 307, 302, 506 of the Indian Penal Code.

Prosecution case, in short, is that the accused persons including the petitioners armed with lathi, danda and axe in their hands reached at the place of occurrence and co-accused Amin Das assaulted the husband of the informant by means of axe on his head, due to which he fell down on the ground and succumbed to the injuries.

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. The main allegation of assault is alleged against the co-accused Amin Das, who is alleged to have assaulted the deceased with axe on head. There is no allegation of assault alleged against the petitioners.

On behalf of the State and learned counsel for the informant, 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 C.J.M., Banka in connection with Belhar P.S. case No.221/2020, 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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