

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12193 of 2021

Arising Out of PS. Case No.-612 Year-2020 Thana- ARA NAGAR District- Bhojpur

1. SANJAY KUMAR @ SANJAY KUMAR GUPTA Son of Late Lalbabu Gupta Resident of Mahadeva Road in front of Gajiapur Kothi, P.S.- Ara Town, District- Bhojpur.
2. Deepak Kumar @ Deepak Kumar Gupta @ Deepu Son of Late Lalbabu Gupta Resident of Mahadeva Road in front of Gajiapur Kothi, P.S.- Ara Town, District- Bhojpur.
3. Tinku Kumar @ Rupesh Kumar Son of Late Lalbabu Gupta Resident of Mahadeva Road in front of Gajiapur Kothi, P.S.- Ara Town, District- Bhojpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Prasad Gupta, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2022 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 a case registered under Sections 341, 323, 324, 379, 504, 307, 506/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused



persons, including the petitioners assaulted the informant and other family members due to which they sustained 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. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the 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, the petitioners, above named, in the event of arrest/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, Bhojpur, Ara in connection with Ara Town P.S. Case No. 612/2020, 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) each 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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