

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11814 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- JURAWANPUR District- Vaishali

VIJAY RAI, Male, aged about 30 years, S/o Vaijyanath Rai, Resident of
Birpur, P.S.- Jurawanpur, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Hemant Kumar, Advocate
For the Opposite Party : Mr. Md. Shakir Ahmad, A.P.P.

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 counsels for the petitioner, opposite
party no. 2 and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection
with Jurawanpur P.S. Case No. 106/2020 for the offence
registered under Sections 307, 323, 341, 379, 504/34 of the
I.P.C.

The prosecution story, in brief, is that the petitioner
alongwith other F.I.R. named accused persons having pistol in
their hands came and assaulted the informant’s son Bittu Kumar
and after that they also assaulted the informant’s wife, namely,



Manju Devi, by *Lathi* and *Butt* of pistol and caused injury on her head and her treatment was going on at Patna and there is 27 stitches on the head. They also snatched gold chain of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Both parties are agnates. Because of family property dispute, the alleged occurrence is said to have taken place. In the alleged occurrence, butt of the gun is said to have been used. This indicates that the petitioner had no intention to commit murder. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. Rests of the offences are triable by the Magistrate. General and omnibus allegation is said to have been made against all the accused persons.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is 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 petitioner, 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 his personal bonds to the satisfaction of the learned A.C.J.M.-IX, Vaishali at Hajipur, in connection with Jurawanpur P.S. Case No. 106/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner 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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