

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17842 of 2021

Arising Out of PS. Case No.-30 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

-
1. DEVI LAL THAKUR @ DEVI THAKUR S/o Anirudh Thakur Resident of Village- Mohim Bujurg, Police Station- Kusheshwar Asthan, District- Darbhanga.
 2. Rahul Thakur Son of Anirudh Thakur Resident of Village- Mohim Bujurg, Police Station- Kusheshwar Asthan, District- Darbhanga.
 3. Andu Thakur @ Anirudh Thakur Son of Late Soni Thakur Resident of Village- Mohim Bujurg, Police Station- Kusheshwar Asthan, District- Darbhanga.
 4. Kaushal Thakur Son of Anirudh Thakur Resident of Village- Mohim Bujurg, Police Station- Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-02-2022 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 defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.



The petitioners are apprehending their arrest in a case registered under Sections 302, 201/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the son of the informant did not return home and later his dead body was found near a river.

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 names of the petitioners have transpired in the present case merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence nor any circumstantial evidence to suggest the participation of the petitioner in the alleged occurrence.

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 A.C.J.M.- Biraul, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 30/2020, 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)

Pankaj/-

U		T	
---	--	---	--

