

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18006 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- PALIGANJ District- Patna

1. SONU KUMAR Son of Mukesh Sharma Resident of Village - Korara, P.S.- Paliganj, and Distt.- Patna.
2. Bholu Kumar Son of Vinay Sharma Resident of Village - Korara, P.S.- Paliganj, and Distt.- Patna.
3. Ramesh Sharma Son of Late Bhawikshan Sharma Resident of Village - Korara, P.S.- Paliganj, and Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-02-2022 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 341, 354, 376, 511 and 34 of the Indian Penal Code.



The prosecution allegation, in short, is that the accused persons tried to outrage the modesty of the informant and also threatened her.

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. From perusal of the F.I.R. itself, it would appear that no offence under Sections 376 and 511 of the Indian Penal Code is attracted in the present case. At best, it is a case for an offence under Section 354 I.P.C. The victim subsequently in her section 164 Cr.P.C. statement has tried to develop the prosecution case by making the allegation most severe. There is contradiction in the statement of the victim as narrated in the F.I.R. and as narrated in her statement recorded under Section 164Cr.P.C. The said contradiction casts doubt on the manner of occurrence. Other co-accused has been granted anticipatory bail vide order dated 21.01.2022 passed in Cr. Misc. No. 15756 of 2021.

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 S.D.J.M., Danapur, Patna in connection with Paliganj P.S. Case No. 146 of 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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