

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18963 of 2021

Arising Out of PS. Case No.-250 Year-2017 Thana- CHANPATIA District- West Champaran

1. VIVEK RAM Son of Prabhu Ram Resident of Village- Khairwa Tola, P.S.- Chanpatia (Sirisiya), District- West Champaran
2. Arjun Ram Son of Sri Prabhu Ram Resident of Village- Khairwa Tola, P.S.- Chanpatia (Sirisiya), District- West Champaran
3. Raju Ram Son of Sri Prabhu Ram Resident of Village- Khairwa Tola, P.S.- Chanpatia (Sirisiya), District- West Champaran
4. Bhagmani Devi Wife of Sri Prabhu Ram Resident of Village- Khairwa Tola, P.S.- Chanpatia (Sirisiya), District- West Champaran
5. Arti Devi Daughter of Sri Prabhu Ram Resident of Village- Khairwa Tola, P.S.- Chanpatia (Sirisiya), District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jitendra Ram Son of Sri Vindhyachal Ram Resident of Village- Khairwa Tola, P.S.- Chanpatia (Sirisiya), District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Umesh Kumar Gupta, Adv.
For the Opposite Party/s :	Mr. Satyendra Narayan Prasad, APP
	Mr. Abhay Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-04-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application has been filed under section 482 of the Code of Criminal Procedure on behalf of five petitioners for quashing of the order dated 05.11.2020 passed by the learned Sessions Judge, West Champaran, at



Bettiah in Cr. Misc. No. 54 of 2020 in connection with Chanpatia (Sirisiya) P.S.Case No 250 of 2017, whereby the petition for modification of the order dated 20.03.2020 passed in Anticipatory Bail Petition no. 3118 of 2019 has been rejected.

It is submitted on behalf of the petitioners that all the F.I.R named petitioners were apprehending their arrest in connection with Chanpatia (Sirisya) P.S.Case No. 250 of 2017 for the alleged offence under section 307/149 and other allied sections of the Indian Penal Code.

On being apprehended of their arrest, they approached before the learned Sessions Judge, West Champaran, Bettiah for grant of their bail in A.B.P No. 3118 of 2019. Considering the allegation against the petitioners, the learned court vide its order dated 20.03.2020 directed to release them on anticipatory bail in the event of their arrest or surrender with a direction to furnish their bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of learned court below within one month from the date of anticipatory bail order, subject to the condition as laid down under section



482 of the Code of Criminal Procedure .

It is further submitted that all the accused persons had been working as labourers at different places and on account of non communication and in the meantime, there was nation wide lock-down due to COVID-19 Pandemic, and there was restrictions on the movement of the people at large, therefore, they could not surrender within time prescribed.

However, it is submitted that the petitioners later on filed Criminal Miscellaneous no. 54 of 2020 in the court of learned Sessions Judge, West Champaran, Bettiah with a prayer to extend the date of furnishing their bail bonds but the same was rejected on 05.11.2020.

On the other hand, learned counsel for the State fairly submits that on account of COVID-19 Pandemic, there was complete lock down and there was restrictions on the movement of people.

Having considered the submissions made on behalf of the learned counsel for the parties, the impugned order dated 05.11.2020 passed in Cr. Misc No. 54 of 2020 by the learned Sessions Judge, West Champaran, Bettiah is,



hereby, set aside and the petitioners are directed to be released on bail in the event of their surrender within four weeks from the date of communication of the present order, with the other conditions as provided under the order dated 20.03.2020 passed by the learned court below.

Accordingly, this application is allowed.

N.K/-

(Harish Kumar, J)

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