

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18787 of 2021

Arising Out of PS. Case No.-257 Year-2019 Thana- BARUN District- Aurangabad

Ashok Choudhary, age about 30 years, Old, Male, Son Of Nepali Chaudhary,
R/O Village- Kochadh/Kochar, P.S.- Barun, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Mukul Kumari, Advocate
For the Opposite Party : Mr. Shyameswar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-01-2022 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 petitioner and learned
A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Barun P.S. Case No. 257/2019, G.R. No. 1841 of 2019 for
the offence registered under Sections 147, 149, 341, 342, 353,
323, 427, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that the informant



received an input that the petitioner alongwith other persons jammed the road near *Keshav More* after keeping the dead body on the road. They were raising slogan against the police personnel. A quarrel had taken place while the informant tried to resolve the grievance of the accused persons. It has further been alleged that the petitioner restrained and prevented the informant and other police personnel from discharging their duty.

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. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The name of the petitioner has transpired in the present case on the basis of disclosure made by local residents and the local Chaukidar.

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, 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 C.J.M, Aurangabad, in connection with Barun P.S. Case No. 257/2019, G.R. No. 1841 of 2019, 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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