

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19323 of 2021

Arising Out of PS. Case No.-296 Year-2020 Thana- BARHARIA District- Siwan

1. Chandan Parwat @ Chandan Kumar Parwat S/O Ramesh Parwat R/O Village-Padawa Mathiya, Police Station-Barharia, District-Siwan
2. Asheshar Bharti @ Asheshwar Bharti S/O Late Pashpati Bharti R/O Village-Padawa Mathiya, Police Station-Barharia, District-Siwan
3. Ram Parshan Bharti S/O Nathuni Bharti R/O Village-Padawa Mathiya, Police Station-Barharia, District-Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-02-2022 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 defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Baharia P.S. case No.296 of 2020 registered under Sections 147, 148, 149, 341, 323, 324, 308, 447, 504 of the Indian Penal Code.



Allegation is that the accused persons including the petitioners were starting brick batting and on protest the accused persons started abusing and assaulting the informant. Co-accused Vivekanand Parvat assaulted the informant by means of farsa, due to which he sustained head injury and co-accused Pappu Bharti assaulted his sister-in-law (Bhabhi) by rod, due to which she sustained injury.

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. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. Prosecution has not come with clean hands. General and omnibus allegation has been made against the petitioners. Specific allegation of assault is against the co-accused Vivekanand Parvat and Pappu Bharti.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/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 facts and circumstances, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Siwan in connection with Barharia P.S. case No.296 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) 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.

Narendra/-

(Sudhir Singh, J)

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