

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20475 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- BAHERI District- Darbhanga

Kamal Sah @ Kamal Sahu, aged about 52 years (Male), Son Of Sukan Sah,
R/O Vill/Mohalla- Sher, P.S- Baheri, Dist.- Darbhanga.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kedar Jha, Advocate
For the Opposite Party : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-01-2022 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 Baheri P.S. Case No. 132 of 2020 for the
offence registered under Sections 147, 148, 149, 341, 342, 323,
325, 353, 337, 338, 307, 504, 506 and 120(B) of the I.P.C.

The prosecution story, in brief, is that on 01.06.2020



the members of *Mahadalit Community* peg red flag on his land and in this connection when the informant alongwith other police party reached at the place of occurrence for enquiry then 25-30 ladies and 10 gents came there with *Lathi, Danda* and started throwing bricks upon the police personnel due to which some of the police party became injured. It is alleged that the situation was controlled after arrival of the senior police officer.

It has been submitted by learned counsel for the petitioner that the petitioner 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. There was a scuffle which took place between the police party and the local residents. Altogether 31 named persons alongwith other unknown have been made accused in this case. The name of the petitioner has transpired in the present case on the basis of disclosure made by local *Choukidar*.

On behalf of the State, it is 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 A.C.J.M.-IX, Darbhanga, in connection with Baheri P.S. Case No. 132 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 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.

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(Sudhir Singh, J)

