

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20420 of 2021**

Arising Out of PS. Case No.-462 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

1. Mithun Rai @ Muthun Kumar, aged about 30 years, Male, S/O Shambhu Rai, R/O Village-Chandralaya, Police Station-Hajipur Sadar, District-Vaishali.
2. Uma Shankar Rai @ Uma Shankar @ Uma Shankar Kumar, aged about 25 years, Male, S/O Sinahi Rai, R/O Village-Chandwara, P.O And P.S-Khatraha, District-Vaishali.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Rajeev Ranjan Sinha, Advocate  
For the Opposite Party : Mr. Choubey Jawahar, 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 petitioners and learned A.P.P. 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 connection with Hajipur Sadar P.S. Case No. 462 of 2017 for the offence registered under Sections 147, 148, 149, 341, 342, 323,



504, 506, 324, 307, 353, 188, 333, 427, 379, 120(B) of the I.P.C., Section 27 of the Arms Act and 4/40 (8) of the B.M.M.C. Act.

The prosecution story, in brief, is that on information of illegal sale of sand and wine, the informant alongwith other police personnel went at the place of occurrence and enquired from Bipin Kumar, on which 30-40 persons armed with deadly weapons surrounded the informant and other police personnel and abused them. In the meantime, petitioners alongwith 21 others as named in the F.I.R. who were identified in the light of LED of Petrol Pump alongwith 15 unknown attacked on the police party with intention to commit murder and snatch their government arms in which several police personnel received serious injuries.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There was a scuffle which took place between the police party and the local residents. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Other



similarly situated co-accused persons have been granted bail by another Co-ordinate Benches of this Court, annexed as Annexure-2 series to the present application.

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 the learned C.J.M., Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 462/2017, 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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