

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20359 of 2021

Arising Out of PS. Case No.-826 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

1. Mohan Ram Son Of Shiv Balak Ram Resident Of Village- Khabra, P.S.- Sadar, Dist.- Muzaffarpur
2. Arjun Ram Son Of Shiv Balak Ram Resident Of Village- Khabra, P.S.- Sadar, Dist.- Muzaffarpur
3. Papu Ram Son Of Shambhu Ram Resident Of Village- Khabra, P.S.- Sadar, Dist.- Muzaffarpur
4. Mukesh Kumar Son Of Arjun Ram Resident Of Village- Khabra, P.S.- Sadar, Dist.- Muzaffarpur
5. Sita Ram Son Of Late Jamun Ram Resident Of Village- Khabra, P.S.- Sadar, Dist.- Muzaffarpur
6. Mukesh Ram Son Of Sita Ram Resident Of Village- Khabra, P.S.- Sadar, Dist.- Muzaffarpur
7. Vijay Kumar Ram Son Of Resident Of Village- Khabra, P.S.- Sadar, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-01-2022 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.

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.

Heard learned counsel for the petitioners and the State



through virtual mode.

The petitioners are apprehending their arrest in a case registered under Sections 147, 149, 341, 323, 353 of the Indian Penal Code.

Prosecution case in short is that while the police reached at the place of occurrence, one person namely Sanjay Mahto was found to be caught and tied by the accused persons on the pretext of selling one baby child. When police tried to intervene, the accused persons manhandled and assaulted the police.

It has been submitted on behalf of the petitioners that the petitioner Nos. 3 to 7 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. Altogether 7 persons along with 100 unknown persons have been made accused in the present case.

On behalf of the State, it is submitted that the petitioners are not 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 aforesaid facts and circumstances of the case, 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 Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 826 of 2018 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.

(Sudhir Singh, J)

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