

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22114 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- KUMAR KHAND District- Madhepura

1. RANJEET RAM @ RANJEET KUMAR S/O SHIBU RAM R/o village- Israine (Israyan) Goth, P.S.- Kumarkhand, District- Madhepura
2. MUNNA RAM @ MUNNA KUMAR S/O KINU RAM R/o village- Israine (Israyan) Goth, P.S.- Kumarkhand, District- Madhepura
3. KINU RAM S/O LATE JHAKASH RAM R/o village- Israine (Israyan) Goth, P.S.- Kumarkhand, District- Madhepura
4. LAXMAN RAM S/O LATE JHAKASH RAM R/o village- Israine (Israyan) Goth, P.S.- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Smt. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-02-2022 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.

Counsel for the petitioners seeks permission to withdraw



the present application on behalf of petitioner No.3, as the petitioner No.3 have been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.3 is dismissed as withdrawn.

The petitioner Nos.1, 2 and 4 apprehending their arrest in connection with Kumarkhand P.S. case No.219/2020 registered under Sections 147, 149, 341, 448, 323, 324, 325, 307, 354A, 379 of the Indian Penal Code.

Prosecution case, in short, is that the accused persons including the petitioner Nos.1, 2 and 4 alongwith 5-6 unknown persons surrounded the informant and started abusing assaulting him. Co-accused Kinnu Ram assaulted with farsa twice causing injury on the shoulder and head of the informant and other accused persons assaulted the informant causing injuries over his body. When Rajesh Ram came to save the informant, co-accused Ramchandra Ram assaulted with farsa twice causing injury on the shoulder and head of Rajesh Ram. When the informant's brother Manjesh Ram and mother Poliya Devi came to save him, they were also assaulted by the accused persons. Petitioner No.4 assaulted with rod causing injury on the head of Manjesh Ram and co-accused Hardeo Ram assaulted with lathi



causing injury at the mouth of Poliya Devi.

It has been submitted on behalf of the petitioner Nos.1, 2 and 4 that the petitioner Nos.1 and 2 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.1, 2 and 4. The petitioner Nos.1, 2 and 4 have falsely been implicated in the present case. It has further been submitted on behalf of the petitioner Nos.1, 2 and 4 that the nature of injury is said to be simple. No offence under Section 307 of I.P.C. is made out. Rest of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioner Nos.1, 2 and 4 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 petitioner Nos.1, 2 and 4, 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 A.C.J.M. IV, Madhepura in connection with Kumarkhand P.S. case No.219 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 Nos.1, 2 and 4 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)

Narendra/-

U		T	
---	--	---	--

