

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25551 of 2021**

Arising Out of PS. Case No.-59 Year-2020 Thana- NARALI KALA KHURD District-
Aurangabad

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1. PRINCE KUMAR Son of Bholu Singh Resident of Village - Shobhekhap, P.S. Narari Kala Khurd, District - Aurangabad.
 2. Shambhu Singh Son of Naresh Singh Resident of Village - Shobhekhap, P.S. Narari Kala Khurd, District - Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**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 APP for the State through virtual mode.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 332, 333, 341, 427, 337, 338, 379, 307, 420, 353 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that the accused persons were involved in illegal mining of sand and when the



police party arrived, the accused persons attacked and damaged government vehicle and got the accused released from police custody.

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 been made accused due to mistake of fact. There was illegal mining which was going on in the said local area. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Altogether 3 persons alongwith 40-50 unknown persons have been made accused in the present case.

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 learned Judicial Magistrate, Aurangabad in connection with Narari Kala Khurd P.S. Case No. 59/2020, 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) 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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