

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23286 of 2021**

Arising Out of PS. Case No.-328 Year-2020 Thana- KHIJARSARAI District- Gaya

MANJU DEVI Wife of Late Arvind Singh Resident of Village- Saidpur, P.S.-
Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 15-02-2022 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.

Learned counsel for the petitioner 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 petitioner and the State
through virtual mode.

The petitioner is apprehending her arrest in Khizersarai P.S.
Case No. 328 of 2020 registered under Sections 147, 148, 149, 341,
323, 342 & 302 of the Indian Penal Code.

Prosecution case in short is that on the alleged date and time of
occurrence, the accused persons unanimously assaulted the husband
of the informant, due to that, he received injuries and died in course



of treatment.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. From perusal of the FIR, it appears that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The petitioner is a lady aged about 62 years.

On behalf of the State, it is submitted that the petitioner is 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 petitioner, 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 her personal bond to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya in connection with Khizersarai P.S. Case No. 328 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.

(Sudhir Singh, J)

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