

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22598 of 2021

Arising Out of PS. Case No.-216 Year-2020 Thana- SUGAULI District- East Champaran

1. Mukesh Kumar Sond Of Lalan Paswan Resident Of Village- Naya Tola, Ward No.-6, P.S.- Sugauli, District- East Champaran
2. Kalawati Devi Wife Of Jairam Paswan Resident Of Village- Naya Tola, Ward No.-6, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon

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 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.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to the petitioner No. 2 namely, Kalawati Devi as during pendency of this application, she has been taken into judicial custody.



Permission is granted.

Accordingly, this application filed with regard to the petitioner No. 2 namely Kalawati Devi is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in Sugauli P.S. Case No. 216 of 2020 registered under Sections-341, 323, 324, 307, 302/34 of the Indian Penal Code.

Prosecution case in short is that the accused persons with common intention assaulted the informant, his father, mother and sister and during course of treatment, father of the informant succumbed to the injuries.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 1. The petitioner No. 1 has been falsely implicated in the present case. There is no allegation of assault alleged against the petitioner No. 1. Allegation of assault is against the co-accused Sonalal Paswan, Rakesh Kumar, Jairam Paswan and Sudish Paswan.

On behalf of the State, it is submitted that the petitioner No. 1 is 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 No. 1, 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 his personal bonds to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 216 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 No. 1 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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