

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25587 of 2021

Arising Out of PS. Case No.-409 Year-2020 Thana- NAANPUR District- Sitamarhi

1. Satyendra Rai, (Male), aged about 32 years, S/O Kishori Rai, R/O Village-Gaura, P.S. Nanpur, District-Sitamarhi.
2. Jitendra Rai, (Male), aged about 34 years, S/O Kishori Rai, R/O Village-Gaura, P.S. Nanpur, District-Sitamarhi.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-01-2022 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 seeks permission to withdraw the anticipatory bail application filed on behalf of petitioner no. 1, Satyendra Rai, as he has been taken into judicial custody in connection with Nanpur P.S. Case No. 409 of 2020, pending in the court of learned S.D.J.M., Pupri, Sitamarhi.

Permission is accorded.

Accordingly, the anticipatory bail application filed on



behalf of petitioner no. 1, namely, Satyendra Rai, is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner no. 2 is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Now, the petitioner no. 2 is apprehending his arrest in connection with Nanpur P.S. Case No. 409 of 2020 for the offence registered under Sections 341, 323, 324, 354(A), 307, 504 and 506/34 of the I.P.C.

The prosecution case, in brief, is that on 01.10.2020 at about 10.00 A.M., the informant was sitting at his house and meanwhile all the named accused persons armed with weapon came and entered into his house and co-accused Kishori Rai started abusing and he ordered to withdraw the case against them and on objection, co-accused Satyendra Rai and Jitendra Rai (petitioner no. 2) assaulted him with *Farsa* and by which his head was cut and blood was oozing out and thereafter his wife Renu Devi came to save him on which co-accused Chhabila Rai started outraging her modesty and he alongwith co-accused Satyendra Rai and Jitendra Rai (petitioner no. 2) torn her *Saree*



and they made her naked video and on hue and cry some neighbourers came and saved them and the accused persons threatened him to kill.

It has been submitted by learned counsel for the petitioner no. 2 that he has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. Nature of injury is said to be simple.

On behalf of the learned counsel for the State, it has been submitted that the petitioner no. 2 is 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 petitioner no. 2, above named, (except petitioner no. 1, namely, Satyendra Rai) 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 his personal bonds to the satisfaction of the learned S.D.J.M., Pupri, Sitamarhi, in connection with Nanpur P.S. Case No. 409 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. 2 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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