

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23613 of 2021

Arising Out of PS. Case No.-39 Year-2014 Thana- DUMARIYA District- Gaya

1. Sheo Prasad @ Shivu Prasad Son Of Bipat Mahto Resident Of Village- Narayanpur Tola Koeridih, P.S.- Dumariya, District-Gaya
2. Yugesh Kumar @ YOGESH Prasad Son Of Kedar Prasad Resident Of Village- Narayanpur Tola Koeridih, P.S.- Dumariya, District-Gaya
3. Raja Ram Prasad @ RAJA Prasad Son Of Late Sheo Balak Prasad Resident Of Village- Narayanpur Tola Koeridih, P.S.- Dumariya, District-Gaya
4. Arjun Prasad Son Of Late Sheo Nandan Mahto Resident Of Village- Narayanpur Tola Koeridih, P.S.- Dumariya, District-Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Rana Randhir Singh, 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.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in Dumariya P.S. Case No. 39/2014 registered under Sections 147, 148, 149, 341, 353, 323, 307, 427, 379 and 504 of the Indian



Penal Code.

The prosecution allegation, in short, is that while the police was taking a dead body for conducting post-mortem, the local residents protested against the same by blocking the road and pelting stones on the police party.

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 falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. A scuffle is said to have taken place between the police party and the local residents. Altogether 12 persons alongwith 200-250 unknown persons have been made accused in the present case. Other co-accused has been granted anticipatory bail vide Annexure-2 to the present application.

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 S.D.J.M., Sherghatti, Gaya in connection with Dumariya P.S. Case No. 39/2014, 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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