

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24477 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- DAUDNAGAR District- Aurangabad

1. Birju Chaudhary @ Viraju Chaudhari S/O Late Sitaram Chaudhary R/O Village-Jankop, P.S-Barun, District-Aurangabad.
2. Satendra Chaudhary S/O Birju Chaudhary R/O Village-Jankop, P.S-Barun, District-Aurangabad.
3. Jitendra Chaudhary S/O Birju Chaudhary R/O Village-Jankop, P.S-Barun, District-Aurangabad.
4. Subhash Chaudhary S/O Birju Chaudhary R/O Village-Jankop, P.S-Barun, District-Aurangabad.
5. Vikash Chaudhary S/O Birju Chaudhary R/O Village-Jankop, P.S-Barun, District-Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr. Aditya Narayan Singh-1, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-02-2022 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.

Heard learned counsel for the petitioners and the State through virtual mode.

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.



The petitioners are apprehending their arrest in Daudnagar P.S. Case No. 72 of 2020 registered for the offence under Sections 147, 148, 447, 341, 323, 308, 354, 504 of the Indian Penal Code.

Allegedly, the accused persons having armed with came at the door of the informant and started abusing. On protest, the informant was assaulted as a result of which, she sustained injury.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Earlier a case was instituted by wife of petitioner No. 2 against the informant of the present case. The present case is nothing but the counter blast of the earlier case instituted by wife of the petitioner No.2.

On behalf of the State, it is submitted that the petitioners are 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 petitioners, 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 their personal bonds to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 72 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 petitioners 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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