

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25737 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- SAHPUR District- Bhojpur

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1. KANHAIYA SINGH Son of Shivadhar Singh Resident of Village- Sarana, P.S.- Shahpur, District- Bhojpur, Ara.
 2. Dharmraj Singh Son of Jairam Singh Resident of Village- Sarana, P.S.- Shahpur, District- Bhojpur, Ara.
 3. Bhim Singh Son of Sarvjeet Singh Resident of Village- Sarana, P.S.- Shahpur, District- Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-01-2022 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 ‘To Be Mentioned’.

It has been submitted on behalf of the petitioners that during the pendency of the present application, petitioner no. 1 died. Hence, the application in respect of petitioner no. 1 has become infructuous. Learned counsel for the petitioners further submits that during the pendency of the present application, the petitioner no. 3 has been taken into judicial custody, hence the application in respect of petitioner no. 3 has also become



infructuous.

Hence, the present application stands dismissed as infructuous in respect of petitioner nos. 1 and 3.

Heard learned counsel for the petitioner no. 2 and learned APP 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.

The petitioner no. 2 is apprehending his arrest in a case registered under Sections 147, 148, 149, 341, 324, 326, 307 and 379 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons, variously armed, assaulted the nephew of the informant and other family members due to which they sustained injuries.

It has been submitted on behalf of the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner no. 2. No specific overt act is alleged against petitioner no. 2. Prior to the institution of the present case, a



case was instituted by the petitioners' side vide Annexure-2 to the present application. The present case is a counter blast to the earlier case instituted by the petitioners' side.

On behalf of the State, it is 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, 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 learned A.C.J.M. -1st, Bhojpur, Ara in connection with Shahpur P.S. Case No. 147 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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