

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25309 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- MANSURCHAK District- Begusarai

1. Pano Devi W/O Ram Naresh Das @ Khagri Das R/O Village Temuha Ps
Mansurchak District Begusarai
2. Ram Naresh Das @ Khagri Das S/O Late Kunjo Das R/O Village Temuha Ps
Mansurchak District Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-01-2022 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 a
case registered under Sections 341, 323, 325, 379, 308 and 34
of the Indian Penal Code.

The prosecution allegation, in short, is that on trivial



issue regarding the sending of messages, the accused persons assaulted the informant and family members due to which they sustained injuries.

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. The petitioner no. 1 is lady. Petitioner no. 2 is a 62 years old person. Specific allegation of assault is alleged against co-accused Rahul Kumar. As far as petitioners are concerned, general and omnibus allegation has been made against them. No specific overt act is alleged against the petitioners. F.I.R. has been instituted after three days of the alleged occurrence. Delay has not been explained by the prosecution.

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 Chief Judicial Magistrate, Begusarai in connection with Mansurchak P.S. Case No. 44/2020, G.R. No. 1647/2020, 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) 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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