

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27936 of 2021

Arising Out of PS. Case No.-25 Year-2013 Thana- SAHODARA District- West Champaran

1. SUDHANSHU GADHWAL@ SADHANSHU KUMAR Son of Prem Narayan Gadhwal Resident of Village- Jamuniya Bazar, P.S.- Sohodara, District- West Champaran at Bettiah.
2. Hansesh Mahato @ Hansesh Bihari Son of Prakash Bihari Resident of Village- Jamuniya Bazar, P.S.- Sahodara, District- West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kr Singh No.3, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, 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 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 connection with T.R. No.2444 of 2020 arising out of Sahodra P.S. case No.25/2013 registered under Sections 147, 148, 149,



341, 323, 324, 307, 379, 353, 504 of the Indian Penal Code.

Allegation is that the petitioner No.1 ordered to put the informant on fire and the accused persons including the petitioners abused and assaulted the informant by lathi and fathha, due to which he sustained injuries and co-accused Shailendra Gadhwal pressed the neck of the informant.

It has been submitted on behalf of the petitioners that the petitioner No.2 has 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. Specific allegation is alleged against the co-accused. Petitioner No.1 is said to be the order giver. So far the petitioner No.2 is concerned, general and omnibus allegation has been made against him. No specific overt act is alleged against the petitioners.

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 facts and circumstances, 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 bond to the satisfaction of Smt. Rupa Raj, learned Judicial Magistrate, 1st class, West Champaran at Bettiah in connection with T.R. No.2444 of 2020 arising out of Sahodra P.S. case No.25/2013, 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)

Narendra/-

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