

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35288 of 2021

Arising Out of PS. Case No.-312 Year-2020 Thana- RAGHOPUR District- Supaul

1. Abhinash Chandra Jha @ Abinish Chandra Jha Son Of Prakash Chandra Jha R/O Village- Dharampatti, P.S.- Rahopur, Dist.- Supaul
2. Kamini Jha Wife Of Abhinash Chandra Jha @ Abinish Chandra Jha R/O Village- Dharampatti, P.S.- Rahopur, Dist.- Supaul
3. Neha Jha Wife Of Abhishek Chandra Jha R/O Village- Dharampatti, P.S.- Rahopur, Dist.- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Pramod Mishra, Advocate
For the State	:	Mr.Akbar Ali, APP
For the informant	:	Mr.Manish Jha, Advocate

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, learned APP for the State and learned counsel for the informant 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 Raghopur P.S. case No.312/2020 registered under Sections 341, 323, 447, 307, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that co-accused Abhishek Chandra Jha shot fire, which hit on the stomach of the informant and Abhishek Chandra Jha also fired on stomach of Satish Chandra Jha.

It has been submitted on behalf of the petitioners that the petitioner Nos.2 and 3 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. As per the F.I.R., specific allegation of assault is alleged against Abhishek Chandra Jha, who is alleged to have caused injury to the victim. So far the petitioners are concerned, there is no specific overt act is alleged against them. Petitioner Nos.2 and 3 are ladies. There is admitted land dispute between the parties.

On behalf of the State and learned counsel for the informant, 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 learned A.C.J.M. 1st, Birpur (Supaul) in connection with Raghapur P.S. case No.312/2020, 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.

Narendra/-

(Sudhir Singh, J)

U		T	
---	--	---	--

