

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35755 of 2021

Arising Out of PS. Case No.-281 Year-2020 Thana- BARHARA KOTHI District- Purnia

1. SUGIYA DEVI W/O SIKANDAR MANDAL Resident of Village - Ghorlaha, Ward No.03, P.S,- Barhara, Raghubansh Nagar, Distt.- Purnea.
2. Sunita Devi W/o Gajendra Mandal Resident of Village - Ghorlaha, Ward No.03, P.S,- Barhara, Raghubansh Nagar, Distt.- Purnea.
3. Lalita Devi @ Lalo Devi W/o Ramanand Mandal Resident of Village - Ghorlaha, Ward No.03, P.S,- Barhara, Raghubansh Nagar, Distt.- Purnea.
4. Rajiya Devi W/o Rajendra Mandal @ Rajo Mandal Resident of Village - Ghorlaha, Ward No.03, P.S,- Barhara, Raghubansh Nagar, Distt.- Purnea.
5. Rama Nand Mandal Son of Late Ram Narayan Mandal Resident of Village - Ghorlaha, Ward No.03, P.S,- Barhara, Raghubansh Nagar, Distt.- Purnea.
6. Rajendra Mandal Son of Late Narayan Mandal Resident of Village - Ghorlaha, Ward No.03, P.S,- Barhara, Raghubansh Nagar, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jharkhanti Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-01-2022 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 Barhara P.S. case No.281/2020 registered under Sections 143, 341, 323, 332, 333, 353, 504, 506/34 of the Indian Penal Code.

Allegation is that the petitioners assaulted the police party and got an apprehended person released.

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. Scuffle is said to have taken place between the police party and the local residents. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. From perusal of the order of the Sessions court, it appears that the nature of injury is simple. Petitioner Nos.1 to 4 are ladies.

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 learned C.J.M., Purnea in connection with Barhara P.S. case No.281/2020, 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)

Narendra/-

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