

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36010 of 2021

Arising Out of PS. Case No.-89 Year-2020 Thana- NADI P.S. District- Patna

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1. ADITYA KUMAR VERMA Son of Vinay Mahto Resident of Village - Gulmehiya Chak Sabalpur, P.S.- Nadi, District - Patna.
 2. Sanjay Ray Son of Deb Narayan Ray Resident of Village - Gulmehiya Chak Sabalpur, P.S.- Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, 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.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.1, as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.1 is dismissed as withdrawn.

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 defect(s), 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 connection with Nadi P.S. case No.89 of 2020 registered under Sections 147, 148, 149, 188, 341, 323, 307, 353, 332, 337, 338, 427, 504 of the Indian Penal Code.

Prosecution case, in short, is that some persons killed a girl and threw dead body into river. The villagers caught one of the murderers. When the police reached at the spot for taking dead body for postmortem, the accused persons including the petitioner No.2 attacked and assaulted the police party.

It has been submitted on behalf of the petitioner No.2 that the petitioner No.2 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. A dead body of a girl was found in the river. When the dead body was being taken by the police, scuffle took place between the local residents and the police party. General and omnibus allegation has been made against the petitioner No.2. No specific overt act is alleged against the petitioner No.2. Altogether 15 named persons alongwith 40-50 unknown



persons have been made accused in the present case.

On behalf of the State, it is submitted that the petitioner No.2 is 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 petitioner No.2, 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 his personal bond to the satisfaction of learned Chief Judicial Magistrate VI, Patna City, District Patna in connection with Nadi P.S. case No.89 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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