

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37389 of 2021

Arising Out of PS. Case No.-567 Year-2020 Thana- RANIGANJ District- Araria

1. PUNAI CHOUDHARY Son of Late Shobhan Choudhary @ Shoman Choudhary Resident of Village - Kharsahi, P.S.- Raniganj, Distt.- Araria.
2. Shyambati Devi W/o Punai Choudhary Resident of Village - Kharsahi, P.S.- Raniganj, Distt.- Araria.
3. Sajmal Choudhary Son of Punai Choudhary Resident of Village - Kharsahi, P.S.- Raniganj, Distt.- Araria.
4. Chhotu Choudhary Son of Punai Choudhary Resident of Village - Kharsahi, P.S.- Raniganj, Distt.- Araria.
5. Pachiya Devi W/o Bharat Choudhary Resident of Village - Kharsahi, P.S.- Raniganj, Distt.- Araria.
6. Kavita Devi W/o Devendra Choudhary Resident of Village - Kharsahi, P.S.- Raniganj, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.A.G.

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 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 Raniganj P.S. Case No. 567 of 2020 registered under Sections 147, 149, 353, 436, 447 of the Indian Penal Code.

Allegedly, a protest was made against the concerned authority with respect to encroachment from the public land.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There was a protest against the concerned authority who were removing the encroachment from the public land. The petitioner Nos. 2, 5 and 6 are ladies. Altogether 8 named persons along with 10-15 unknown persons have also been made accused in the present case.

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 aforesaid facts and circumstances of the case, let 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 Additional Chief Judicial Magistrate-VI, Araria in connection with Raniganj P.S. Case No. 567 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 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)

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