

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38720 of 2021

Arising Out of PS. Case No.-391 Year-2017 Thana- SONEPUR District- Saran

1. JITENDRA KUMAR RAI @ JITENDRA RAI Son of Rama Shankar Rai Residence of Village- Sabalpur Pashchimhari Tola, P.S.- Sonapur, District- Saran at Chapra.
2. Dhara Rai Son of Late Hulas Rai Residence of Village- Sabalpur Pashchimhari Tola, P.S.- Sonapur, District- Saran at Chapra.
3. Munna Rai Son of Harendra Rai Residence of Village- Sabalpur Pashchimhari Tola, P.S.- Sonapur, District- Saran at Chapra.
4. Raj Kumar Rai Son of Late Kishori Rai Residence of Village- Sabalpur Pashchimhari Tola, P.S.- Sonapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav
For the Opposite Party/s : Mr.Narsingh Tanti, 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.

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.

Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in Sonapur P.S. Case No. 391 of 2017 registered under Sections 147, 148, 149, 427,



307, 353, 332, 333, 504, 506 of the Indian Penal Code.

Allegedly, the informant on the information of one Sanjeet Kumar that his father has been murdered, reached at the place of occurrence, where the informant saw a seriously injured person. When the injured person was being taken to hospital, petitioners and others protested and attacked on the police party.

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 been falsely implicated in the present case. The police on the information given by one Sanjeet Kumar to this effect that his father has been murdered, reached at the place of occurrence and while the injured was being taken to hospital, the local residents protested against the same and due to that, an scuffle took place between the local residents and the police party. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Altogether 6 named persons along with 100 unknown persons have 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-Ist, Saran at Chapra in connection with Sonepur P.S. Case No. 391 of 2017 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)

A.K.V.//-

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

