

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8699 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- MASAUDHI District- Patna

1. HARENDRA SINGH Son of Late Ramjiwan Singh Resident of Village - Sarwan, P.S.- Masaurhi, District - Patna.
2. Santosh Kumar @ Santosh Singh Son of Late Ramjiwan Singh Resident of Village - Sarwan, P.S.- Masaurhi, District - Patna.
3. Aaryan Kumar Son of Santosh Kumar Resident of Village - Sarwan, P.S.- Masaurhi, District - Patna.
4. Vibha Devi Wife of Dharendra Singh Resident of Village - Sarwan, P.S.- Masaurhi, District - Patna.
5. Viku Kumar Son of Girja Singh Resident of Village - Sarwan, P.S.- Masaurhi, District - Patna.
6. Abhimanyu Kumar Son of Dharendra Singh Resident of Village - Sarwan, P.S.- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 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 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.

Supplementary affidavit has been filed on behalf of the petitioners. Same be kept on the record.

The petitioners are apprehending their arrest in connection with Masaurhi P.S. case No.247 of 2020 registered under Sections 341, 323, 448, 354(B), 504, 379/34 of the Indian Penal Code.

Prosecution case, in short, is that the accused persons including the petitioners entered into the house of the informant and co-accused Dhirendra Singh assaulted the brother of the informant with lathi and petitioner No.4 assaulted her mother by danda and petitioner No.6 torn frock of the informant and outraged her modesty and petitioner Nos.1 and 2 pulled pajama of the informant and dragged it down.

It has been submitted on behalf of the petitioners that the petitioner Nos.1 and 5 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. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands.



Petitioner No.4 is a lady.

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 S.D.J.M., Masaurhi, Patna in connection with Masaurhi P.S. case No.247 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)

Narendra/-

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