

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44413 of 2021

Arising Out of PS. Case No.-184 Year-2020 Thana- GOH District- Aurangabad

1. Narendra Kumar, Male, aged about 55 years, S/o Late Lakhan Sharma, R/o village- Murwan, P.S.- Goh, District- Aurangabad.
2. Rabindra Kumar, Male, aged about 30 years, S/o Late Lakhan Sharma, R/o village- Murwan, P.S.- Goh, District- Aurangabad.
3. Jitendra Kumar, Male, aged about 38 years, S/o Late Lakhan Sharma, R/o village- Murwan, P.S.- Goh, District- Aurangabad.
4. Chunu Kumar @ Krishna Kant Singh, Male, aged about 25 years, S/o Murari Sharma R/o village- Murwan, P.S.- Goh, District- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ravindra Kumar, Advocate
For the Informant	:	Mr. Shivendra Prasad, Advocate
For the Opposite Party	:	Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-02-2022 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, learned counsel for the informant and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, 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 Goh P.S. Case No. 184/2020, for the offence registered under Sections 147, 148, 149, 323, 324, 307, 504/506 of the I.P.C. and Section 27 of the Arms Act.

The prosecution story, in brief, is that on 20.12.2020 the informant Rajiv Ranjan Kumar was having construction over his land. In the meantime, the petitioners informed the police and the Circle Officer, who directed the parties to go before the S.D.O. with their papers. It is then stated that the informant stopped the work over the land in question. It is then stated that on 21.12.2020 at about 10.00 A.M., all the petitioners alongwith other family members and unknown persons having weapon in their hands climbed over the roof of the informant and started abusing the informant, over which the informant protested. Thereupon, all the accused persons started making firing over them but the informant someone managed to escape from the scene of occurrence. Then the accused persons started firing over the female members who were on the roof, as a result, Priyanka Kumari, Kumkum Devi and Mamta Devi sustained injury on their person and they were moved to Primary Health Centre for treatment from where they were referred to Gaya.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus allegation has been made against them. No specific overt act is alleged against them. Nature of injury is said to be simple. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. There is admitted land dispute between the parties. At best, it is case for offence under Section 325 of the I.P.C. is made out.

On behalf of the State, it is submitted that the petitioners are named in the 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, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of the learned S.D.J.M. Daudnagar, in connection with Goh P.S. Case No. 184/2020, 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) each 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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