

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7259 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. SHAMBHU SINGH Son of Sitaram Singh Resident of Village-Shakhmohan, P.S.- Vibhutipur, District- Samastipur (Bihar).
2. Bhaskar Kumar @ Ganga S/o Shambhu Singh Resident of Village-Shakhmohan, P.S.- Vibhutipur, District- Samastipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-01-2022 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 learned APP for the State through virtual mode.

A supplementary affidavit has been filed on behalf of the petitioners. The same be kept on record.

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 a



case registered under Sections 302, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that the accused persons, variously armed, fired upon the deceased causing his death..

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 falsely been implicated in the present case. The main allegation of assault is alleged against the co-accused Gopal Singh who is alleged to have fired upon the deceased. The petitioners are alleged to be members of unlawful assembly. There is no allegation of assault alleged against the petitioners nor there is any overt act alleged against them. The F.I.R. has been instituted after three days of the occurrence. The delay in lodging the same has not been explained by the prosecution.

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 learned Sessions Judge, Samastipur in connection with Vibhutipur P.S. Case No. 60 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) 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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