

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47652 of 2021

Arising Out of PS. Case No.-235 Year-2020 Thana- SONO District- Jamui

1. Vikash Singh (Male), aged about 25 years, Son of Dukhan Singh, R/V Charkapatthar (Sono), P.S. Sono, District - Jamui.
2. Santosh Singh, (Male), aged about 26 years, S/O Late Satnarayan Singh, R/V Marharo, P.S. Sono, District - Jamui.
3. Bhagat Singh, (Male) S/O Late Binod Singh, R/V Marharo, P.S. Sono, District - Jamui.
4. Ajit Ram, Male, S/o Lallu Ram, R/V Marharo, P.S. Sono, District - Jamui.
5. Punit Kumar Singh, S/o Shri Biri Singh R/V Churhait, P.S. Sono, District - Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Rajesh Kumar Sinha, Advocate
For the Opposite Party	:	Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2022 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 A.P.P. for the State.

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.

Further, learned counsel for the petitioners is



permitted to make necessary correction in prayer portion of the present bail application.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner nos. 1 and 2 as they have already been taken into judicial custody in connection with Sono P.S. Case No. 235/2020, pending in the court of learned J.M. Ist Class, Jamui.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner nos. 1 and 2 is dismissed as withdrawn.

Now, the petitioner nos. 3, 4 and 5 are apprehending their arrest in connection with Sono P.S. Case No. 235 of 2020 for the offence registered under Sections 341, 342, 323, 504, 506, 379/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution story, in brief, is that on 15.09.2020 at about 3.00 P.M. the informant was going towards *Churhet* alongwith Vikash Rai by *Motorcycle* and as soon as they reached near *Churhet Bridge*, all F.I.R. named accused persons stopped them on the point of pistol and started assaulting them and tried to kidnap, but when the informant and his friend raised hulla, accused persons took away one golden chain and cash



amount of Rs. 11,000/- from the pocket of the informant and Punit Singh (petitioner no. 5) opened fire but by grace of God, the cartridge did not hit the informant or his friend and thereafter, the accused persons fled away.

It has been submitted by learned counsel for the petitioner nos. 3, 4 and 5 that they 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 them. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. No grievous injury is said to have been caused to the informant's side. Injury on the side of the accused persons has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner nos. 3, 4 and 5 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 petitioner nos. 3, 4 and 5 (except petitioner no. 1 Vikash Singh and petitioner no. 2 Santosh Singh), 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 J.M. Ist Class, Jamui, in connection with Sono P.S. Case No. 235 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 petitioner nos. 3, 4 and 5 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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