

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49164 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- HATHIDAH District- Patna

1. SONU KUMAR @ AMAR KUMAR Son of Awadh Singh Resident of Village - Mahendrapur, P.S.- Hathidah, District - Patna.
2. Munna Kumar Son of Awadh Singh Resident of Village - Mahendrapur, P.S.- Hathidah, District - Patna.
3. Dheeraj Kumar Singh @ Lal Babu Son of Bhagwan Singh Resident of Village - Mahendrapur, P.S.- Hathidah, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2022 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.

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 147, 148, 149, 341, 323, 353



and 504 of the Indian Penal Code.

The prosecution allegation, in short, is that when the police party stopped the pick up van carrying illegal sand, the accused persons attacked on the police.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. A scuffle is said to have taken place between the police party and the local residents for the reason that the police party wanted to take loaded pick up van which was carrying illegal sand. Altogether 3 named persons alongwith 8-10 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 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 A.C.J.M. -IV, Barh, Patna in connection with Hathidah P.S. Case No. 44 of 2021, 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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