

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49947 of 2021**

Arising Out of PS. Case No.-4 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. MUNNA KESHARI @ PRAMOD KUMAR KESHARI S/o Shivanth Prasad Keshi @ Shivanth Prasad Keshri R/o- Banaras Bank Chawk, Near Fire Station, chandwara, P.S.- Town, District- Muzaffarpur.
 2. Ravi Kumar @ Ravi Keshari S/o Munna Keshari @ Pramod Kumar Keshri R/o- Banaras Bank Chawk, Near Fire Station, chandwara, P.S.- Town, District- Muzaffarpur.
 3. Bittu Kishari @ Bittu Kishan S/o Munna Keshari @ Pramod Kumar Keshri R/o- Banaras Bank Chawk, Near Fire Station, chandwara, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj, Advocate
For the Opposite Party/s : Mr.Jagdhari Prasad, 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 defect(s), 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 Muzaffarpur Town P.S. case No.4 of 2021 registered under



Sections 147, 149, 341, 323, 337, 353, 427, 504, 506 of the Indian Penal Code and Section 3 of Prevention of Damage of Public Property Act, 1984..

Allegation is that the accused persons pelted stones on municipal corporation authorities, who were removing encroachment.

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. As per the prosecution case, the municipal corporation authorities were trying to remove encroachment and for the said reason scuffle is said to have taken place between the parties. 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. Altogether 9 named persons alongwith 50-60 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 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 C.J.M., Muzaffarpur in connection with Muzaffarpur Town P.S. case No.04/2021, 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) 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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