

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49725 of 2021

Arising Out of PS. Case No.-167 Year-2021 Thana- NADI P.S. District- Patna

1. LALDEO RAI Son of Late Hari Nath Rai Resident of Village - Jethuli, P.S.- Nadi, Distt.- Patna.
2. Roushan Kumar Son of Jay Babu Rai Resident of Village - Jethuli, P.S.- Nadi, Distt.- Patna.
3. Subhash Rai Son of Laldeo Rai Resident of Village - Jethuli, P.S.- Nadi, Distt.- Patna.
4. Ajay Kumar Son of Laldeo Rai Resident of Village - Jethuli, P.S.- Nadi, Distt.- Patna.
5. Santosh Kumar Son of Laldeo Rai Resident of Village - Jethuli, P.S.- Nadi, Distt.- Patna.
6. Bishwanath Rai Son of Nanda Rai Resident of Village - Jethuli, P.S.- Nadi, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Rathour

For the Opposite Party/s : Mr.Ajay Kumar No. 2, 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, 188, 337, 338, 427, 504, 506, 120(B), 353, 307 of the Indian Penal Code, 25(1-b), 26, 27, 35 of the Arms Act, 51/57 of Disaster Management Act, 2005 and 3 of Epidemic Disease Act, 1897.

The prosecution allegation, in short, is that two groups were fighting against each other and when the police party reached, they started brick batting on police party.

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. As per prosecution case, a scuffle is said to have taken place between the two groups of the said local area. The police tried to intervene and pacify the issue between the two groups. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Altogether 13 named persons alongwith 410 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. -VI, Patna City, Patna in connection with Nadi P.S. Case No. 167/2021, 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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