

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50638 of 2021

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

1. SATISH KUMAR @ BACCHA RAY S/o- LATE SITAB LAL RAY
Resident of Village- Jethuli, P.O.- Kachchidargah, Fatwah, Patna, Fatwa,
Bihar- 803201
2. ARVIND KUMAR S/o Laddu Ray Bihar
3. SUDHIR KUMAR S/o Vinod Kumar Singh Resident of Village- Jethuli,
P.O.- Kachchidargah, Fatwah, Patna, Fatwa, Bihar- 803201
4. PARMANAND RAY S/o- LATE SARYUG RAY Resident of Village-
Jethuli, P.O.- Kachchidargah, Fatwah, Patna, Fatwa, Bihar- 803201
5. RAMESH CHANDRA NIRALA S/o- LATE SITAB LAL RAY Resident of
Village- Jethuli, P.O.- Kachchidargah, Fatwah, Patna, Fatwa, Bihar- 803201

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, 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 Nadi P.S. case No.167/2021 registered under Sections 147, 148,



149, 341, 323, 427, 307, 188, 353, 337, 338, 504, 506, 120(B) of the Indian Penal Code and Sections 25(1-b), 26, 27, 35 of the Arms Act, 1959 and Sections 51 and 57 of Disaster Management Act, 2005 and Section 3 of Epidemic Disease Act, 1897.

Prosecution case, in short, is that two groups were fighting among themselves and the accused persons pelted stones and did brick batting on the police party and firing was also made.

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 the prosecution case, two different groups of the said locality were fighting among themselves, the police tried to intervene and pacify the matter, which led to a scuffle between police and members of violent 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 is 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 A.C.J.M. VI, Patna City in connection with Nadi P.S. case No.167 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) 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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