

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12839 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- MAHILA P.S. District- Patna

1. Baban Kumar Singh S/O Late Satyanarayan Singh R/O Mohalla 70/35 Nand Bihar Colony Bishunpur Pakari And Saristabad, P.S Beur, District-Patna.
2. Abhishek Kumar S/O Baban Kumar Singh R/O Mohalla 70/35 Nand Bihar Colony Bishunpur Pakari And Saristabad, P.S Beur, District-Patna.
3. Anubhav Kumar @ Golu S/O Dilip Kumar Singh R/O Mohalla 70/35 Nand Bihar Colony Bishunpur Pakari And Saristabad, P.S Beur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 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 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 Patna Mahila P.S. Case No. 09 of 2020 registered for the offence



under Sections 148, 149, 452, 354, 386 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, the petitioners along with other named accused persons having armed with weapons, entered into house of the informant and dragged the informant by catching hair and an extortion money of Rs. 25,000,00/- is said to have been demanded.

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 been falsely implicated in the present case due to property dispute. The husband of the informant is own brother of the petitioner No. 1. The date of occurrence is said to be 13-12-2019 and the case has been instituted on 06-01-2020. The delay in instituting the FIR has not been explained by the prosecution.

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 aforesaid facts and circumstances of the case, 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 bonds to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Patna Mahila P.S. Case No. 09 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 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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