

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.836 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- DAWATH District- Rohtas

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1. BINDU DEVI Wife of Chhote Lal Choudhary Resident of Village - Gidha, P.S.- Dawath, District - Rohtas.
 2. Chhote Lal Choudhary Son of Late Shyam Lal Choudhary Resident of Village - Gidha, P.S.- Dawath, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, APP
For the Informant	:	Mr. SanjayKumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-01-2022 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 petitioner no. 2, learned APP for the State and learned counsel for the informant through virtual mode.

Vide order dated 02.07.2021, the application in respect of petitioner no. 1 namely, Bindu Devi has already been dismissed as withdrawn.

Learned counsel for the petitioner no. 2 is directed to remove the defects, as pointed out by the Office, within a period



of four weeks after restoration of normalcy.

The petitioner no. 2 is apprehending his arrest in a case registered under Sections 341, 323, 504, 302 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that the accused persons assaulted the informant and family members due to which son of the informant succumbed to the injuries.

It has been submitted on behalf of the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case. The allegation of assault upon the deceased is alleged against co-accused Abhay Chaudhary. There is no allegation of assault alleged against the petitioner no. 2 upon the deceased in course of occurrence. The petitioner no. 2 is said to have caused injury to the informant and that is on his non-vital part of the body. Hence, no offence under Section 307 IPC is made out.

On behalf of the State, it is submitted that the petitioner no. 2 is 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 petitioner no. 2, 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 his personal bonds to the satisfaction of learned A.C.J.M. -I, Bikramganj, Rohtas in connection with Dawath P.S. Case No. 106 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 petitioner no. 2 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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