

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57251 of 2021

Arising Out of PS. Case No.-31 Year-2016 Thana- NARHATT District- Nawada

1. BANTI SINGH S/o Nehru Singh R/o village- Khanwan, P.S.- Narhat, District- Nawada
2. Ramashray Singh S/o Late Govind Singh R/o village- Khanwan, P.S.- Narhat, District- Nawada
3. Vikash Kumar S/o Late Radha Krishna Singh R/o village- Khanwan, P.S.- Narhat, District- Nawada
4. Arun Kumar S/o Late Babu Lal Singh R/o village- Khanwan, P.S.- Narhat, District- Nawada
5. Navin Singh S/o Ramakhelaban Singh R/o village- Khanwan, P.S.- Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Opposite Party/s : Mrs. Renu Kumari, 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.

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.

Heard learned counsel for the petitioners and the State through virtual mode.



The petitioners are apprehending their arrest in Narhat P.S. Case No. 31 of 2016 registered under Sections 147, 149, 186, 188, 114, 117, 307, 353, 337, 338, 427, 506, 504 of the Indian Penal Code.

Allegedly, a scuffle took place at the centre where nomination papers for election was being filed.

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 been falsely implicated in the present case. As per the prosecution case, with regard to Panchayat Election, a mob had entered the restricted area, due to which, a scuffle is said to have taken place between the mob and police party. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. No offence u/S 307 of the Indian Penal Code is made out. Altogether 12 persons along with 20-25 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 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 bond to the satisfaction of learned Judicial Magistrate-Ist Class, Nawada in connection with Narhat P.S. Case No. 31 of 2016 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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