

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58578 of 2021**

Arising Out of PS. Case No.-10 Year-2021 Thana- MANIYARI District- Muzaffarpur

1. BHAVIKSHAN SAHNI @ BHAGEEKHAN SAHNI S/o LT. RUDAL SAHNI R/o VILLAGE-SONBARSA, P.S- MANIYARI, DISTRICT-MUZAFFARPUR.
2. BINDESHWAR SAHNI @ VINDESHWAR SAHNI S/o GHORA SAHNI R/o VILLAGE-SONBARSA, P.S- MANIYARI, DISTRICT-MUZAFFARPUR.
3. JAGARANATH SAHNI S/o BHORA SAHNI R/o VILLAGE-SONBARSA, P.S- MANIYARI, DISTRICT-MUZAFFARPUR.
4. VIPUL KUMAR @ BIPUL KUMAR S/o PARTAP SAHNI R/o VILLAGE-SONBARSA, P.S- MANIYARI, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Chandra
For the Opposite Party/s : Mr.A.G.

**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.

At the outset, learned counsel for the petitioners seeks



permission to withdraw this application with regard to petitioner Nos. 2, 3 & 4 namely, Bindeshwar Sahni @ Vindeshwar Sahni, Jagaranath Sahni And Vipul Kumar @ Bipul Kumar as during pendency of this application, they have been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner Nos. 2, 3 & 4 namely, Bindeshwar Sahni @ Vindeshwar Sahni, Jagaranath Sahni And Vipul Kumar @ Bipul Kumar is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in Maniyari P.S. Case No. 10 of 2021 registered under Sections 147, 148, 149, 307, 323, 332, 333, 342, 341 & 353 of the Indian Penal Code.

Allegedly, while the police raided the house of co-accused for checking of illegal storage of liquor, the accused persons protested against the same.

It has been submitted on behalf of the petitioner that the petitioner No. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 1. The petitioner No. 1 has been falsely implicated in the present case. As per the prosecution case, the



police had gone in search of liquor in the house of co-accused persons. The said act of the police was protested by the local residents and a scuffle is said to have taken place. Altogether 17 persons along with 50-60 unknown persons have been made accused in the present case. General and omnibus allegation has been made against the petitioner No. 1. No specific overt act is alleged against the petitioner No. 1.

On behalf of the State, it is submitted that the petitioner No. 1 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 aforesaid facts and circumstances of the case, the petitioner No. 1, 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 his personal bond to the satisfaction of Sri Rohan



Ranjan, learned Judicial Magistrate-Ist Class/Successor Court, Muzaffarpur in connection with Maniyari P.S. Case No. 10 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 petitioner No. 1 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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