

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6507 of 2021

Arising Out of PS. Case No.-332 Year-2020 Thana- AMNAUR District- Saran

1. UPENDRA RAI, aged about 44 years old (Male), Son of Marai Rai, Resident of Village- Bishunpur, Piprahi, P.S.- Amnaur, Distt- Saran at Chapra.
2. DEVNATH RAY, aged about 70 years old (Male), Son of Chotu Ray, Resident of Village- Bishunpur, Piprahi, P.S.- Amnaur, Distt- Saran at Chapra.
3. BALI RAI, aged about 38 years old (Male), S/o Chandeshwar Rai, Resident of Village- Bishunpur, Piprahi, P.S.- Amnaur, Distt- Saran at Chapra.
4. RAJNATH RAI, aged about 52 years old (Male), S/o Vijadhar Rai, Resident of Village- Bishunpur, Piprahi, P.S.- Amnaur, Distt- Saran at Chapra.
5. HARENDER RAI, aged about 28 years old (Male), S/o Rajnath Rai Resident of Village- Bishunpur, Piprahi, P.S.- Amnaur, Distt- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Prabhakar Singh, Advocate
For the Opposite Party : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-01-2022 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 A.P.P. for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, 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 Amnaur P.S. Case No. 332/2020 for the offence



registered under Sections 147, 148, 323, 324, 337, 338, 353, 307, 427, 504, 506 of the I.P.C. and Section 3 of the Damage to Public Property Act.

The prosecution story, in brief, is that on 06.09.2020 at about 11.30, on getting information by the informant that two persons have got injured in a road accident and at the place of incident, there was a big crowd and the driver and his family have been restrained and the situation was dire and further assistance of police force is needed, the informant and other police officers reached there and on their request, the family members of the driver were released from restraint but the driver was confined in the house of the victims and they said that the driver will be released after the matter is pacified. A *panchayati* was held in between the parties but the matter could not be pacified. When the driver was not released from the restraint, the police force forcibly opened the door of the room and got the driver released and made him sit on the Jeep. Thereafter, the petitioners and others started pelting stones on the police jeep and damaged the government vehicle. Anyhow, the police force saved their lives.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent.



They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There was a scuffle which took place between the police party and the local residents. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Altogether 09 named persons alongwith 40-50 unknown have been made accused in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are 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 petitioners, 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 their personal



bonds to the satisfaction of the learned A.C.J.M. Saran at Chapra, in connection with Amnaur P.S. Case No. 332/2020, 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) each 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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